

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.5397 OF 2023

ORDER:

1. This petition is filed seeking to grant regular bail under Sections 437 and 439 of Criminal Procedure Code, 1973 (Cr.P.C). The petitioner is accused No.2 in Crime No.58 of 2023 of Prohibition and Excise Sub-Inspector Station, Dhoolpet. The offence alleged against the petitioner is under Sections 8(c), read with 20 (b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The sum and substance of case of the prosecution is that on 02.05.2023 at about 08.15 PM the police found two persons selling ganja. On seeing the police, one person fled away and one person was caught hold and 1100 grams of ganja was recovered from accused No.1. Accused No.1 named the person who ran away and it is Accused No.2 who ran away. Further the allegation is that it is Accused No.2 who employed Accused No.1 and the present petition by securing the ganja in loose from other areas.

3. Learned counsel for the petitioner has submitted that accused No.1 was already granted bail and in fact recovery was made from accused No.1, not from accused No.2.

4. Learned Additional Public Prosecutor opposed the bail application by contending that the petitioner is involved in more than five cases and he is a habitual offender and involved in sale of ganja in Dhoolpet area. If the petitioner is released, again he will re-indulge in similar kind of offences.

5. As seen from the record, it is Accused No.1 who named the petitioner as a person ran away. Accused No.2 is the employer of accused No.1 and he was dealing with the purchase and sale of ganja. It is not in dispute that the petitioner has involved in multiple cases and he is from Dhoolpet. If the petitioner is released, in order to prevent further commission of offence with stringent conditions, the bail can be granted.

6. In the said circumstances, this Court is inclined to grant bail to the petitioner - accused No.2 on certain terms and conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner-accused No.2 shall be released on bail on the following terms and conditions:

- (i) The petitioner-accused No.2 shall be released on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the II Additional Metropolitan Sessions Judge, Hyderabad.
- (ii) The petitioner-accused No.2 shall not enter within the limits of Police Station Excise, Dhoolpet and if there is a need to enter into the jurisdiction, he shall obtain permission from the concerned Excise Police Station.
- (iii) The petitioner-accused No.2 shall appear before the Police Station Excise, Dhoolpet on everyday between 10 a.m., and 5 p.m for a period of two (02) months.
- (iv) The petitioner-accused No.2 shall not directly or indirectly influence, threaten or tamper any witnesses or complainant.
- (v) The petitioner-accused No.2 shall not indulge in similar type of offences till conclusion of trial and if it is found that the petitioner is involved in similar type of offences in future, the bail granted to him shall automatically stands cancelled and he shall be taken into custody forthwith.

- (vi) The petitioner-accused No.2 shall make available with the investigating agency for proper investigation and he shall fully cooperate with the investigation agency. He shall not at in any manner which will be prejudicial to fair and expeditious investigation.

JUSTICE M. LAXMAN

28.06.2023
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