

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.6866 OF 2023****ORDER:**

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/Accused No.4 in NDPS.S.C.No.09 of 2023 in Crime No.1466 of 2022, on the file of Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar, registered for the offence under Section 20(b) (ii) (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NPDS Act').
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The petitioner is arrayed as A-4. The case of the prosecution is that on the instructions of accused No.1, accused Nos.3 to 6 went to Vijayawada from Maharashtra. There, A-3 to A-6 engaged a Mahindra Xylo Car and went to Vishakhapatnam. Later, they engaged a Lorry wherein A-3 to A-6 transported 250 kgs of ganja. When the authorities

searched the truck at the toll gate of ORR Exit-17 at Rajendranagar, it was found that the truck was escorted by other accused in a car. A-4 was the driver and A-5 was travelling in the truck as a cleaner.

4. Learned counsel for the petitioner would submit that the petitioner is languishing in jail since 11 months. Even according to the prosecution case, the petitioner had boarded the train at Maharashtra and got down at Vijag. From there, he went to Kakinada port and contacted A-1 on phone. Thereafter, this petitioner, A-3, A-5 and A-6 have taken the lorry to Vijag. On 10.09.2022, A-2 handed over the lorry to the accused persons. A-3 and A-6 started from Vizag in a Xylo car and A-4 and A-5 followed the car. A-4 was driving the car and A-5 was the cleaner.

5. It is the not the case of the prosecution that the petitioner had procured any contraband which was found in the lorry. Since the petitioner is in jail since 11 months and A-5 was also granted bail by this Court vide order dated 08.06.2023 in CrI.P.No.4769 of 2023, the prayer for the relief of regular bail can be considered on the following conditions:

i) The petitioner/Accused No.4 shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a like sum each to the satisfaction of Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar.

(ii) The petitioner shall not directly or indirectly influence or make any witnesses or complainant.

(iii) He 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.

(iv) The petitioner shall appear on every date before the trial Court during the proceedings with proper proof without any excuse.

(v) He shall not act in any manner which will be prejudicial to fair and expeditious investigation.

6. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 02.08.2023
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THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO. 6770 OF 2023

Dt.01.08.2023

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