

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.7402 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 in Crime No.428 of 2023, on the file of Raidurgam Police Station, Cyberabad, registered for the offence under Sectiona 21 (a) (c), 22 and 29 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 A-1 seeking regular bail. He was remanded to custody on 06.05.2023 for the reason of being in possession of 86 gms of cocaine. According to the Police, on 05.05.2023 having received the information regarding transport of Narcotic drugs from Goa to Hyderabad intercepted a car in which the petitioner was

found. The Police found 86 gms of cocaine in his possession. Accordingly, he was remanded to judicial custody. On the date of custody i.e., on 06.05.2023, A-1 stated to the learned Magistrate that he was taken into custody on 03.05.2023 and the case as projected by the Police was made up subsequently and there was no recovery from him. Learned Magistrate having taken down the statement made by this petitioner and others at the time of remand stated that no seized property was produced before the Court as on the date of remand. Further, no explanation was given for not depositing the seized property.

4. Learned counsel for the petitioner would submit that there is ample evidence to substantiate that this petitioner was picked up from his residence on 03.05.2023. The CC TV footage and also Google time line would show that he was not at the place as claimed by the Police.

5. Learned Additional Public Prosecutor on instructions would submit that there are no other cases pending against this petitioner.

6. Keeping in view the statement made by the petitioner before the learned Magistrate and also for the reason of not producing the contraband before the Magistrate, this Court deems it appropriate to grant regular bail to the petitioner subject to following conditions:

i) The petitioner/Accused 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, Cyberabad.

ii) The petitioner after release shall appear before the concerned Station House Officer everyday for a period of two weeks at 10.00 AM and thereafter as and when required, for the purpose of investigation. Further, the Police are directed to investigate into the evidence produced by the petitioner regarding CC TV footage and Google time line.

iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

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

Date: 16.08.2023
dv

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO. 7402 OF 2023

Dt.16.08.2023

dv