

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 7448 of 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused seeking anticipatory bail in the event of his arrest in connection with C.O.R.No.71 of 2023 dated 26.05.2023 on the file of Prohibition and Excise Police Station, Narayankhed, Sangareddy District registered for the offences punishable under Sections 8(b) read with 20 (a) (i) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short "NDPS" Act).

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The Prohibition and Excise Inspector of S.H.O of Narayankhed police station, Sangareddy District found 120 plants of ganja in survey number 101/E/3 at Kindi Thanda, Narayankhed. According to the V.R.O and the information given to the officials, the land belongs to this petitioner.

4. Learned counsel for the petitioner would submit that he has nothing to do with the cultivation of the alleged ganja plants and he is aged around 65 years and ailing from old age related deceases. On the other hand, learned public prosecutor would submit that basing on information given to the officials, they have gone to the place and found that ganja was being cultivated. Further, V.R.O was also a part of the team and had gone to the premises and conducted proceedings.

5. As seen from the panchanama and the documents filed there is no evidence that was gathered by the S.H.O Narayankhed to say that the petitioner was in fact, cultivating ganja plants in the said land. Only on the ground that the ganja plants were found in the land of this petitioner, it cannot be conclusively inferred that this petitioner is responsible.

6. Keeping in view the age of the petitioner, this Court deems it appropriate to grant relief of anticipatory bail subject to the following conditions:-

- 1) The petitioner/Accused is directed to surrender before the Station House Officer, Prohibition and Excise Narayankhed Police Station, Sangareddy District on 21.08.2023. Upon such surrender, the said Station House Officer shall release the petitioner/Accused on bail, on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty five Thousand only) with two sureties for a like sum each to his satisfaction.
 - 2) On such release, the petitioner/Accused shall appear before the concerned police every Monday and Wednesday for eight weeks at 10.00 a.m. and thereafter, as and when required for the purpose of investigation.
 - 3) The petitioner/Accused shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.
7. Accordingly, the Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 16.08.2023
dsv/mmr

K.SURENDER, J

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Dt.16.08.2023

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