

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.7943 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 petitioners/Accused Nos.1 and 4 in Crime No.167 of 2023, on the file of Mangalhat Police Station, Hyderabad, registered for the offence under Section 8(c) r/w. 20(b) (ii) (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NPDS Act').
2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The Police Mangalhat kept surveillance on receiving information regarding illegal sale and possession of ganja by four persons and found these petitioners and two others with 22 kgs. of ganja. Having followed the procedure for seizure, these petitioners and others were arrested. According to the remand report, A-1 procured

22 kgs. of ganja in 10 packets from one Narayana, who is shown as A-6 in the remand report, few days prior to 27.05.2023. On 27.05.2023, A-1 had taken assistance of petitioner No.2 and two others for selling ganja to customers.

4. Even according to the prosecution, it was A-1, who had procured ganja few days prior to 27.05.2023. The petitioner No.2 and others according to the prosecution were not aware of procuring ganja. However, their assistance was taken by A-1 for selling ganja at Mangalhat.

5. In the background of the case that the petitioner No.2 was not complicit of procuring ganja and it is not specified in the remand report about the seizure specifically from petitioner No.2 and further, according to the learned Additional Public Prosecutor, there are no other cases pending against petitioner No.2, this Court deems it appropriate to grant the relief of regular bail to petitioner No.2/A-4 subject to following conditions:

i) The petitioner No.2/Accused No.4 shall execute personal bond for a sum of Rs.20,000/- (Rupees Twenty thousand only) with two sureties, one local surety and other from his place for a like sum each to the satisfaction of I Additional Metropolitan Sessions Judge, Hyderabad.

ii) The petitioner No.2/Accused No.4 after release shall appear before the concerned Station House Officer everyday at 10.00 AM for a period of three weeks from the date of this order and thereafter, as and when required, for the purpose of investigation.

iii) The petitioner No.2/Accused No.4 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

6. The prayer for regular bail as far as petitioner No.1/A-1 is concerned is refused at this stage.

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

K.SURENDER, J

Date: 11.09.2023
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Dt.11.09.2023

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