

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.8247 of 2023

ORDER:

This Criminal Petition is filed under Section 437 & 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioners/A2 & A3 on bail in NDSC No.240 of 2022 on the file of the Metropolitan Sessions Judge, Medchal, Malkajgiri District, which arose out of Cr.No.NCB.F.No.48/1/10/2021/NB/Sub-Zone/Hyd., for the offences under Section 8(c) punishable under Section 22(c), 27A, 28 and 29 of the NDPS Act, 1985.

2. Heard.

3. The case of the prosecution is that on 14.08.2021 at 1.30 p.m., on reliable information, the NCB personnel stopped the car of Accused No.1 and in the said vehicle, they found A1, A2, A3 and A4 exchanging bags having cash and contraband. NCB seized 3.250 kgs. of Alprazolam and Rs.12.75 lakhs from them. Thereafter, searches were conducted in the house of A1 and M/s.Shree Karthikeya Likfe Sciences, Balanagar and 50 grams of raw material used in Alprazolam.

4. The NCB personnel conducted further investigation and also recorded the statements of the accused under Section 67 of the

Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act of 1985'). After completion of investigation, NCB filed complaint which is now pending before the Special Court.

5. Learned Counsel appearing for the petitioners would submit that this Court on 21.07.2022 dismissed the application in view of the undertaking given by the learned Standing Counsel for NCB that the trial would be completed within a period of eight weeks. However, more than a year has passed, but, there is no progress in the trial. The petitioners have approached the Honourable Supreme Court and the Honourable Supreme Court had directed to conclude trial within a reasonable time. However, no efforts are being made by the prosecution to produce witnesses. It is in utter violation of the orders of this Court and also the Honourable Supreme Court, by the respondent.

6. Learned Counsel for the petitioners further submitted that the NCB not proceeding with the trial as undertaken before this Court is only contributing to the extension of remand of the petitioners. Accused No.2 Allanki Naresh Goud is suffering from ill health.

7. Medical Certificate dated 16.05.2023 is produced. In the said certificate it is stated as follows;

“For his health condition, he needs regular & close monitoring of Glycemic control; otherwise he develops secondary complications like Diabetic Nephropathy, Retinopathy, Infections, Ketoacidosis and Organ damage.”

7. Learned Counsel further submits that the health of accused No.2 has deteriorated in the last three months; and that if he is not released on bail, the complications would result in further aggravating the health condition of accused No.2.

8. Learned Counsel appearing for the NCB does not dispute that Accused No.2 is suffering from ill health, however, he submits that medical attention will be given to A2 and further, the case in the trial Court is listed on 21.09.2023 and NCB will request the Sessions Court to issue summons to the witnesses and conclude the trial on a day-to-day basis. He further submits that in all likelihood within four weeks from 21.09.2023, the entire prosecution case would be completed.

9. Keeping in view the health condition of the 1st petitioner/Accused No.2, this Court deems it appropriate to grant the relief of regular bail to A2 subject to the following conditions;

- i. the 1st petitioner/A2 is directed to be released on bail on his executing personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each, to the satisfaction of Metropolitan Sessions Judge-cum-I

Additional District Judge-cum-Spl.Judge under NDPS Act, Medchal-Malkajgiri District.

ii. On such release, the 1st petitioner/A2 shall appear before the concerned Court on every date of hearing.

iii. The 1st petitioner/A2 shall abide by the other conditions stipulated in Section 437 (3) of Cr.P.C.

10. Insofar as the prayer for 2nd petitioner/A3, it is refused at this stage. In the event of the prosecution not producing witnesses and concluding the examination of prosecution witnesses, as undertaken by the learned counsel for NCB, within four weeks from 21.09.2023, the 2nd petitioner/A3 is entitled to move for regular bail.

11. Accordingly, the Criminal Petition is partly allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date :15.09.2023
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Dt.15.09.2023

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