

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 9144 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused No.2 seeking bail in connection with C.O.R.No. 140 of 2023 dated 01.09.2023 on the file of Excise Uppal Police Station, Medchal Malkajgiri District registered for the offences punishable under Sections 8(c) read with 20(b) (ii) (B) of NDPS Act.

2. Heard learned counsel for the petitioner/Accused No.2 and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The Uppal Excise personnel while conducting search found this petitioner and another on motor cycle. On seeing the police this petitioner who was driving motor cycle fled. Thereafter, accused No.1 was caught on the spot and found 6 kgs of dry ganja which was seized.

4. Learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated. He was not driving the vehicle and on the basis of confession of accused No.1 this petitioner was implicated. In the crime occurrence report, it is stated that two persons were present.

5. However, keeping in view that there are no other cases pending against this petitioner and the quantity seized from accused No.2 is intermediary quantity, this Court deems it appropriate to grant relief of anticipatory bail subject to the following conditions:-

- 1) The petitioner/Accused No.2 is directed to surrender before the Station House Officer, Excise Uppal Police Station, Medchal Malkajgiri District on 29.09.2023. Upon such surrender, the said Station House Officer shall release the petitioner/Accused No.2 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 No.2 shall appear before the concerned police everyday for a period of two weeks and thereafter, as and when required for the purpose of investigation.

3) The petitioner/Accused No.2 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.

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

Date : 25.09.2023
dsv/ds

K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.9144 of 2023
Dt.25.09.2023

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