

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11644 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 3 in FIR No.248 of 2023, on the file of the P.S., Lunger House, Hyderabad District, registered for the offences punishable under Sections 8(c), 8A(c) 27A, r/w. 20(b)(ii)(C) of NDPS Act, 1985 and Sections 419 and 420 of IPC.
2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The case of the Lunger House police is that these two petitioners stopped while travelling in the car. Pursuant to questioning, accused No.1 informed that there was 40Kgs of Ganja in the car. Accordingly, the said Ganja was seized. During further questioning, it was informed that accused No.1 procured the Ganja and concealed it in the car and thereafter, accused No.3 was asked to drive the car. Even according to the prosecution case, accused No.3 did not have

knowledge about the concealment of Ganja in the car. Further, accused No.3 is not having any criminal record.

4. The knowledge or otherwise of accused No.3 can as well be ascertained during the course of further investigation and trial. However, since prima facie, on the basis of record, it was accused No.1 who concealed the Ganja in the car, the prayer for regular bail to accused No.3 is considered, subject to the following conditions:

- i) The petitioner/accused No.3 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 the VI Addl. Chief Metropolitan Magistrate, Nampally, Hyderabad.
- ii) The petitioner/accused No.3 after release shall appear before the concerned Station House Officer on every Monday and Wednesday for a period of four (04) weeks and thereafter, as and when required, for the purpose of investigation.
- iii) The petitioner/accused No.3 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

5. Accordingly, this Criminal Petition is partly allowed. The prayer for bail to accused No.1 is refused. Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date : 28.11.2023
gvl/pvt

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.11644 of 2023
Dt.28.11.2023

gv1/pvt