

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 11769 of 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused seeking bail in the event of his arrest in connection with Crime i.e., NCB File No.48/1/10/2023/NCB/HZU on the file of Intelligence Officer, Narcotics Control Bureau, Hyderabad Zone, Hyderabad, registered for the offences punishable under Sections 8(c) read with Section 22(c), 27A, 28 & 29 of NDPS Act, 1985.

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

3. The case of the prosecution is that one Chepuri Narsimlu @ Naresh was found in possession of 25 of Kgs of Alprazolam. During the course of investigation, he informed the Investigating Officer, NCB that he is not having any license for keeping the drug and further he

sold Alprazolam to different customers and named this petitioner and five (5) others as the customers.

4. Learned counsel appearing for the petitioner would submit that insofar as seizure of 25 Kgs Alprazolam is concerned, even according to the remand report, this person has nothing to do with the said seizure. However, on the basis of confession made by the accused that he has named five (5) customers and others as the persons to whom he sold Alprazolam, the petitioner is apprehending arrest.

5. On the other hand, learned counsel for NCB would submit that insofar two persons are concerned, there were bank transactions with Chepuri Narsimlu @ Naresh and they were arrested and so far as this petitioner is concerned, notice under Section 67 of the NDPS Act was not issued and no transactions have been identified. However, during the course of investigation, the Investigating Officer may come across with any incriminating evidence.

6. Keeping in view that on the basis of confession, the name of this petitioner is shown as customer. However, it is not known when the said Alprazolam was sold and as the said transactions are not reflected in the panchanama, this Court deems it appropriate to grant the relief of anticipatory bail subject to the following conditions:-

- 1) The petitioner/Accused is directed to surrender before the Intelligence Officer, Narcotics Control Bureau, Hyderabad Zone, Hyderabad on or before 08.12.2023. Upon such surrender, the Intelligence Officer shall release the petitioner/Accused on bail, on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty 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 Officer at 10.00 AM on every Monday for a period of four weeks 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.

4) Needless to say in the event of any evidence being found on facts of the case, NCB is at liberty to seek cancelation of bail.

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

K.SURENDER, J

Date : 01.12.2023
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