

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.12535 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 petitioner/Accused No.1 in SC.NDPS.No.118 of 2022 on the file of Special Sessions Judge for the trial of Cases under NDPS Act-Cum-I Additional Sessions Judge at Kothagudem, registered for the offence under Section 8(c) r/w. 20 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NPDS Act').
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The petitioner is arrayed as A-1. Briefly, the case against the petitioner is that he was apprehended on 29.06.2019 for transporting 275 kgs. of ganja and he was remanded on the same day. However, the petitioner was released on mandatory bail on 07.01.2020. Thereafter, for his non-appearance on 10.07.2023, non-bailable warrants were issued. The Police executed the said warrants and produced before the said Court on 03.10.2023.

4. Learned counsel appearing for the petitioner would submit that he was on bail during the entire period i.e., 07.01.2020 till his arrest on 03.10.2023. However, he was appearing in the Court from 07.01.2020 till the date of issuance of non-bailable warrants and his non-appearance on 10.07.2023 is a solitary instance. Further, the petitioner is suffering from gall bladder issues.

5. On questioning, learned Additional Public Prosecutor would submit that there are no other cases pending against this petitioner, however, trial is yet to commence.

6. Keeping in view that there are no other cases pending against this petitioner and he was appearing in the Court from the date of his release i.e., 07.01.2020 till the date of his arrest, this Court deems it appropriate to grant the relief of regular bail, subject to following conditions:-

- i) The petitioner/Accused No.1 shall execute personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with one surety, for a like sum each to the satisfaction of the Special Sessions Judge for the trial of Cases under NDPS Act-Cum-I Additional Sessions Judge at Kothagudem.

ii) The petitioner/Accused No.1 after release shall appear before the concerned Court on every date of hearing.

iii) The petitioner/Accused No.1 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

Date : 27.12.2023
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K.SURENDER, J

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Dt.27.12.2023

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