

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.547 OF 2024

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.2 in Crime.No.77 of 2022 on the file of Burgampahad Police Station, Bhadradri Kothagudem District, registered for the offences under Sections 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 case of the prosecution is that 225 kgs of ganja was found in deserted vehicle. The petitioner and others were apprehended in a crime in which this petitioner and others allegedly confessed about the deserted vehicle in which 226 kgs. of ganja was found.
4. A-1 moved an application for bail on 29.12.2023 in CrI.M.P.No.841 of 2023 in Crime No.77 of 2023 under Section 167(2) of Cr.P.C. The learned Sessions Judge by order dated 29.12.2023 granted bail to A-1 on the ground that charge sheet

was not filed. A-1 was arrested on 17.06.2023. The petitioner according to the record was arrested on 08.06.2023. The learned Sessions Judge dismissed the bail application filed by this petitioner on the ground that charge was already filed for which reason, he was not entitled for mandatory bail under Section 167(2) of Cr.P.C.

5. When the learned Sessions Judge had granted bail on 29.12.2023 on the ground of charge sheet not being filed, the question of dismissing the application of this petitioner on 22.12.2023 does not arise.

6. It was found by the learned Sessions Judge that charge sheet was not filed and dismissed the application filed by A-1 seeking bail on 29.12.2023, as such, this Court deems it appropriate to direct the release of the petitioner since the orders passed by the learned Sessions Judge on 22.12.2023 in CrI.M.P.No.812 of 2023 in Crime No.77 of 2022 is not in accordance with law.

7. In the said circumstances, this Court deems it appropriate to grant the relief of regular bail, subject to following conditions:-

- i) The petitioner/Accused No.2 shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties i.e., one local surety and the other from

the native place, for a like sum each to the satisfaction of the Special Sessions Judge for Trial of Cases under NDPS Act 1985-Cum-I Additional Sessions Judge at Bhadradri Kothagudem.

ii) The petitioner/Accused No.2 after release shall appear before the concerned Station House Officer on every Monday at 10:00 a.m. for a period of eight weeks for the purpose of investigation and thereafter, as and when required.

iii) The petitioner/Accused No.2 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

Date : 22.01.2024
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K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.547 of 2024
Dt.22.01.2024

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