

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.1042 OF 2024

ORDER:

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.5 in Crime No.1083 of 2023 on the file of Station House Officer, Rajendranagar Police Station, Cyberabad District, registered for the offence punishable under Section 20 (b) (ii) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).

2. The case of the prosecution in brief was that on credible information, the Detective Inspector of Police, Rajendranagar Police Station conducted route watch on the main road at ORR Exit No.17 and intercepted a Maruthi Ertiga Car bearing No.OD-30-E-5055 and found accused Nos.1 to 4 in the said car and recovered 35.220 kgs., of contraband and net cash of Rs.6,000/- from their possession. On enquiry, they confessed that they were transporting the contraband to accused No.5 and that in-turn accused No.5 will sell the same to the needy persons. Basing on the panchanama, the above case was registered against accused Nos.1 to 5.

3. Heard learned counsel for the petitioner/Accused No.5 and learned Additional Public Prosecutor for the respondent.

4. Learned counsel for the petitioner submitted that the petitioner was arrested on 03.11.2023, he was not arrested from the alleged place of seizure, no material was seized from his possession. He was falsely implicated in the case. Basing on the alleged confession of accused Nos.1 to 4, the petitioner was implicated in the present case as accused No.5 and prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor submitted that the petitioner was also involved in three more cases, he was arrested twice by the Mangalhat Police in Crime Nos.15 of 2018, registered for the offence under Sections 8(c) r/w 20(b) of NDPS Act and in Crime No.77 of 2021 registered for the offence under Sections 8(c) r/w 20(b) (ii) (B) of NDPS Act and in Crime No.132 of 2013 of Alwal Police Station which was registered for the offences punishable under Section 395, 120-B of IPC and Section 25 (1b) (a) of Indian Arms Act. The petitioner was a habitual offender and prayed to dismiss the bail application.

6. Learned counsel for the petitioner submitted that the petitioner was acquitted in Crime No.132 of 213 and also in Crime No.15 of 2018 and only one case in Crime No.77 of 2021 was pending against him.

7. Perused the record. Considering the submissions of learned counsel for the petitioner that the involvement of the petitioner in other cases was not proved to consider him as a habitual offender and that no contraband was

seized from his possession in the present case and he was not even present at the scene of offence, it is considered a fit case to enlarge the petitioner on bail on certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner/accused No.5 shall be released on regular bail subject to the following conditions:

i) The petitioner/Accused No.5 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a like sum each to the satisfaction of the learned XI Additional Metropolitan Magistrate at Rajendranagar, Hyderabad.

ii) The petitioner/Accused No.5 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 19.02.2024
dsv/ds

Dr. G.RADHA RANI, J