

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.1910 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – A2 under Sections 437 and 439 of Code of Criminal Procedure (for short “Cr.P.C.) for grant of regular bail in Crime No.29 of 2024 of PS Nalgonda I Town, registered for the offences punishable under Sections 420, 406 of Indian Penal Code and Sections 8 (c) r/w 22 (c) of NDPS Act.

2. The case of the prosecution in brief was that on 02.02.2024 at 05.00 hours on receiving credible information that one Mohammed Zahee Ullah (accused No.1) was taking Spasmo Proxyvon Plus, Ultra King and Tramadex Injections without doctor's prescription, the S.I. of Police of Nalgonda I Town police station proceeded to the house of accused No.1 located at Rahaman Bagh colony, Nalgonda Town and apprehended accused No.1 and seized the contraband found in two boxes i.e., Spasmo Proxyvon Plus tablets, each box containing 18 sheets and each sheet containing (08) tablets (total 576 tablets), (09) sheets of Ultra King tablets, each sheet containing (15) tablets (total 135 tablets) and a box of Tramadex injections, each box containing 10 sheets and each sheet containing (05) injections

and weighed each tablet by using digital weighing machine and found to be weighing 0.06 grams (6mg). Accused No.1 confessed that he was addicted to drugs from the past three years and was taking daily four to five tablets along with his friends and was purchasing the tablets easily from one Thoudoju Naresh (petitioner herein), the owner of New Health Care Pharmacy.

3. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor.

4. Learned Counsel for the petitioner submitted that the petitioner/A2 was running a medical shop, none of the alleged offences would attract to him, he was in judicial custody since 02.02.2024 and was not having any criminal antecedents and prayed for grant of bail to the petitioner.

4.1. Learned counsel for the petitioner relied upon the judgments of the High Court of Madhya Pradesh in **Jitendra @ Jeetu Vs. The State of Madhya Pradesh**¹ and **Ramcharit Sen Vs. The State of Madhya Pradesh**² and of the High Court of Andhra Pradesh in **Manikyam Shankar Vs. The State of Andhra Pradesh**³ wherein also the same drug Spasmo Proxyvon Plus, the alleged

¹ M.Cr.C.No.23734 of 2022 dated 17.05.2022

² M.Cr.C.No.21234 of 2023 dated 21.06.2023

³ CrI.P.Nos.9407 & 9447 of 2023 dated 27.12.2023

contraband was seized from the medical shop owners/employees where they were granted bail.

5. Learned Additional Public Prosecutor on verification stated that the alleged offences under NDPS Act would not attract against the petitioner.

6. Perused the record.

7. Considering the submissions of both the learned counsel, it is considered fit to grant bail to the petitioner/A2.

8. In the result, the Criminal Petition is allowed and the petitioner/A2 is directed to be released on bail on his executing a personal bond for Rs.20,000/- with two sureties each for the like sum to the satisfaction of the I Additional District and Sessions Judge, Nalgonda. The petitioner/A2 shall comply with the conditions stipulated under Section 437(3) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition if any shall stand closed.

Date: 27th February, 2024
Mmr/Gvl

Dr. G.RADHA RANI, J

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27.02.2024

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