

THE HONOURABLE Dr. JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2367 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner/accused No.7 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') to enlarge him on regular bail in Crime No.118 of 2023 of Jinnaram Police Station, Sangareddy District, registered for the offences under Sections 8(c) read with Sections 21(c), 22(c) and Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution in brief was that on 07.12.2023 on credible information about establishment of manufacturing unit of Narcotic Drugs at the outskirts of Kodakanchi Village, Jinnaram Mandal, the Sub-Inspector of Police, Jinnaram Police Station, proceeded to the said place, searched the premises and found accused No.1 and huge equipment at the said place. On enquiry, accused No.1 stated that they were manufacturing Nordazepam, which was the second stage in manufacturing Alprazolam, the Psychotropic Substance. On that, the Sub-Inspector of Police seized 14 Kgs., of Nordazepam along with other material and lodged the report. He arrested accused Nos.1 to 5 and registered the above said case for the above said offences.

3. As per the Remand Report of accused Nos.1 to 5, accused No.1 came across with accused No.5 and explained the plan of manufacturing the Narcotic Drug i.e. Alprazolam/Nordazepam and requested accused No.5 to arrange the land for establishing the manufacturing unit, upon which accused No.5 agreed and offered to give the land in the outskirts of Kodakanchi Village, which he took on lease from one Venkateshwar Rao, for establishing the manufacturing unit of Narcotic Drug. To that effect, about four months back, accused No.2 entered into lease agreement with accused No.5 for the above land and established the lab by purchasing the infrastructure material and started manufacturing the Narcotic Drug i.e. Alprazolam/Nordazepam with the assistance of accused Nos.2 and 3. For establishing the unit, accused No.2 had mortgaged his gold ornaments with the petitioner/accused No.7 and invested an amount of Rs.15,00,000/- to Rs.20,00,000/- by giving the amount to accused No.6, who in turn supplied the raw material for manufacturing Narcotic Drug. After that accused Nos.1 to 5 established the plant and started manufacturing the Narcotic Drug i.e. Alprazolam/Nordazepam with the assistance of accused Nos.6 and 7. The petitioner/accused No.7 was arrested on 13.01.2024.

4. Heard learned counsel for the petitioner/accused No.7 and the learned Additional Public Prosecutor, representing the respondent-State.

5. Learned counsel for the petitioner submitted that the petitioner/accused No.7 was a businessman, involved in money lending business and the petitioner had no knowledge of the fact that accused Nos.1 to 6 had established manufacturing unit of Narcotic Drug. Learned counsel for the petitioner further submitted that believing the words of accused No.2, that he was in dire need of money to start business, the petitioner lent money to accused Nos.1 to 6, he had nothing to do with the manufacturing of the alleged contraband. Learned counsel further submitted that accused Nos.1 to 5 were arrested on 08.12.2023 and were enlarged on bail on 21.02.2024 and accused No.6 was enlarged on bail by this Court on 14.02.2024 and prayed to enlarge the petitioner/accused No.7 on bail.

6. Learned Additional Public Prosecutor submitted that the petitioner/accused No.7 along with other accused persons conspired and gave financial assistance for establishing manufacturing unit for manufacturing Narcotic Drug, as such, prayed to dismiss the bail application of the petitioner.

7. Perused the record. Considering that even the remand report of accused Nos.1 to 5 would not disclose that the petitioner had any knowledge about the manufacture of the contraband and he only lent money to the accused persons for establishing a business unit and as the other accused persons were also released on bail, it is considered a fit case to enlarge the petitioner on bail.

8. Accordingly, the Criminal Petition is allowed and the petitioner/accused No.7 shall be enlarged on regular bail subject to the following conditions:

(i) The petitioner/accused No.7 shall execute a personal bond for Rs.25,000/- (Rupee Twenty Five Thousand Only) with two sureties for a like-sum each to the satisfaction of the Additional Judicial Magistrate of First Class-cum-Special Mobile Court, at Sangareddy.

(ii) The petitioner/accused No.7 shall comply with the conditions stipulated under Section 437(3) of Cr.P.C. and shall appear before the trial Court on all the dates when his presence is required.

9. Pending Miscellaneous Applications, if any, in this Criminal Petition, shall stand closed.

Date: 01.03.2024
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Dr.G.RADHA RANI, J