

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2461 of 2024

ORDER:

This Criminal Petition is filed by the petitioner/A4 under Sections 437 and 439 of Cr.P.C. for grant of regular bail in Crime No.167 of 2024 of Gachibowli Police Station, Cyberabad, registered for the offences punishable under Sections 21(a), 21(b), 22(c), 27 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution, in brief, was that on 02.02.2024 at 18:30 hours, the Sub-Inspector of Police, Gachibowli Police Station, lodged a report, by producing five accused persons along with the seized material stating that on credible information that three drug peddlers were coming to a tin shed opposite to My Home Vihanga Apartment, TNGO's Colony, Gachibowli between 10:30 hours to 11:30 hours to supply contraband drugs to their customers, he reduced the same into writing at 09:00 hours, informed the same to his superiors under Section 42(2) of NDPS Act, secured the panch witnesses and also a Gazetted Officer and proceeded to the said place. At about 11:10 hours, they found the five accused persons, three male and two female persons at that place. On

questioning, the three male persons confessed that they have come there for selling two grams of cocaine to the petitioner/A4 and when they were about to receive the money, they were caught. They further confessed that they were in further possession of 8 grams of cocaine and 13 grams of MDMA. The said contraband was also seized by the police.

3. Heard the learned counsel for petitioner/A4 and the learned Additional Public Prosecutor representing the respondent-State.

4. Learned counsel for the petitioner/A4 submitted that the petitioner/A4 was a highly educated and married woman having tender aged girl of five years, who was suffering with autism and was under constant medical care and needs continuous care and protection. The petitioner/A4 was produced before the X Additional Metropolitan Magistrate at Prashanth Nagar, Kukatpally on 03.02.2024. He further contended that the investigating agency had made many procedural lapses for which also the petitioner was entitled for bail and prayed to grant regular bail to the petitioner/A4.

5. Learned Additional Public Prosecutor submitted that the offences alleged against the petitioner/A4 were under Sections 21(a) and 27 of NDPS Act and the punishment prescribed for the said offences was only one year imprisonment and fine of Rs.10,000/-. The petitioner/A4 was in possession of 2 grams of cocaine, which was a small quantity.

6. Considering the submissions of learned counsel for the petitioner/A4 and the learned Additional Public Prosecutor and considering that the petitioner/A4 was a consumer but not a drug peddler and was in possession of only a small quantity of 2 grams of cocaine and the punishment prescribed for the alleged offences are one year imprisonment and fine of Rs.10,000/- and as she was in judicial custody for more than one month, it is considered fit to enlarge the petitioner/A4 on bail with certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner/A4 shall be released on bail subject to the following conditions:

- 1) The petitioner/A4 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 X Additional Metropolitan Magistrate, Prashanth Nagar, Kukatpally.

- 2) The petitioner/A4 shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 05.03.2024
ssp

Dr. G. RADHA RANI, J