

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2591 of 2024

ORDER:

This Criminal Petition is filed by the petitioner/A8 under Sections 437 and 439 of Cr.P.C. for grant of regular bail in Crime No.512 of 2023 of Bowenpally Police Station, Secunderabad, registered for the offences punishable under Section 8(c) read with 22(c) 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 21.11.2023, the Sub-Inspector of Police, Bowenpally Police Station, lodged a report, stating that at about 16:10 hours, when he along with his staff was conducting vehicle checking at MMR Garden check post, found a Mahindra white colour Scorpio bearing No.KA 28 N 6023 and stopped the same. On checking the said vehicle, they found 9 cardboard boxes containing Eskuf syrup (Codeine Phosphate syrup) bottles each box containing 160 bottles (100 ml each) (Psychotropic drug) and one Alprazolam tablets I.P.0.5 box (Alprade 0.5) containing 60 strips, total 600 tablets and seized the

same and recorded the confession of A1, whereunder the involvement of A2 to A8 had come into light. Basing on the aforesaid report, the subject crime was registered.

3. Heard the learned counsel for petitioner/A8 and the learned Additional Public Prosecutor representing the respondent-State.

4. Learned counsel for the petitioner/A8 submitted that no contraband was seized from the possession of the petitioner/A8. He was arrested in Crime No.497 of 2023 on 10.11.2023 and was produced on PT warrant in the present case on 24.01.2024. The petitioner/A8 was granted bail by this Court in Crime No.497 of 2023 *vide* order, dated 05.02.2024 in Crl.P.No.545 of 2024 and prayed to enlarge the petitioner/A8 on bail.

5. Learned Additional Public Prosecutor submitted that the petitioner/A8 was involved in cases of similar nature. He belonged to the State of Karnataka. If the petitioner/A8 was released on bail, it might be difficult to produce him for trial and prayed to dismiss the bail petition of the petitioner/A8.

6. Perused the record.

7. As seen from the confession-cum-seizure panchanama of A1, it was stated by A1 that he purchased Codeine phosphate syrup bottles from Perfect Health Care Distributor and Alprozolam tablets from Medi point in the name of his Medical distribution for lower price and was selling the same to drug sellers and mentioned the name of the petitioner/A8 as one of the person to whom he was selling the said drug. Considering that except the confession of A1, there was no other evidence gathered by the investigating officer against the petitioner/A8 in this case and the petitioner/A8 was also released on bail in Crime No.497 of 2023 in which he was arrested and as he was in custody for the past four months, it is considered fit to enlarge the petitioner/A8 on bail with certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner/A8 shall be released on bail subject to the following conditions:

- 1) The petitioner/A8 shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum

each to the satisfaction of the XI Additional
Chief Metropolitan Magistrate, Secunderabad.

- 2) The petitioner/A8 shall abide by the
conditions stipulated under Section 437(3) of
Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 11.03.2024
ssp

Dr. G. RADHA RANI, J