

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2809 of 2024

ORDER:

This Criminal Petition is filed by the petitioner/accused under Sections 437 and 439 of Cr.P.C. for grant of regular bail in PRC No.174 of 2023 on the file of Metropolitan Sessions Judge-cum-I Additional District and Sessions Judge, Rangareddy District, L.B.Nagar, registered for the offences punishable under Section 8(c) r/w 22(c) of Narcotic Drugs and Psychotropic Substance Act, 1985.

2. The case of the prosecution, in brief, was that on 15.11.2023 at 4:00 PM, on receipt of credible information about sale, transportation and possession of Alprazolam, the Prohibition and Excise officials along with staff proceeded to the road leading from Shadnagar to Nagulapally Village, secured the panch witnesses and waited in front of Shivalayam road. At about 7:30 PM, they found the petitioner coming on a black colour Unicorn motorcycle and on suspicion they stopped the vehicle. On search of the vehicle, they found a black polythene cover containing white colour powder. On enquiry, the petitioner disclosed his particulars. On weighing the contraband it was found to be 750 grams of Alprazolam. The excise officials seized

the contraband along with the vehicle, apprehended the accused and produced before the Station House Officer and lodged the report. The petitioner/accused was produced before the Court on 15.11.2023 itself and he was remanded to judicial custody.

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

4. Learned counsel for the petitioner/accused submitted that the petitioner/accused was falsely implicated in this case at the instance of political leaders, as the petitioner was in Congress Party and supported Congress Party during elections. No contraband was seized from the vehicle of the petitioner as alleged by the police. She also submitted that the police officials raided his house and apprehended him in the early hours on 15.11.2023 and arrested him without proper reason and falsely implicated him in the drugs case. She further submitted that the petitioner/accused was a photographer and had a studio at Shadnagar. He was having a family and due to his false implication, his family was suffering. His wife was hospitalized and prayed to enlarge the petitioner/accused on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner/accused stating that a commercial quantity of contraband of about 750 grams was seized from the possession of the petitioner and 100 grams itself was commercial quantity as per the Schedule annexed to the Act. He further submitted that this was the fourth bail application filed by the petitioner and earlier three bail applications were dismissed.

6. Perused the record.

7. Considering the photographs filed by the learned counsel for the petitioner along with bail application which were showing that some persons who were alleged to be police personnel were found at his house in the morning hours on 15.11.2023 at 5:36 AM, which would *prima facie* show the falsity of the case stated by the prosecution that the alleged contraband was seized at 7:30 hours in the evening on the said date and considering that 750 grams of Alprazolam was seized from the possession of the petitioner and its false implication cannot be ruled out and as the petitioner was in custody since 15.11.2023 i.e., for the past 4 months and as the entire investigation is completed and charge sheet is also filed and the same

is numbered as S.C.No.13 of 2024, it is considered fit to enlarge the petitioner/accused on bail with certain conditions.

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

- 1) The petitioner/accused 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 Metropolitan Sessions Judge-cum-I Additional District and Sessions Judge, Rangareddy District.
- 2) The petitioner/accused shall abide by the conditions stipulated under Section 437(3) of Cr.P.C and shall appear before the Court as and when the case was posted.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 14.03.2024
vsl/sa

Dr. G. RADHA RANI, J