

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2814 of 2024

ORDER:

This Criminal Petition is filed by the petitioner/accused No.2 under Sections 437 and 439 of Cr.P.C. for grant of regular bail in Crime No.02 of 2024 on the file of Station House Officer, Bowenpally Police Station, Hyderabad, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Amendment Act 2001) (for short 'the Act').

2. The case of the prosecution, in brief, was that on 01.01.2024 at about 16:00 hours, while the Sub Inspector of Police, Bowenpally Police Station was conducting area patrolling in the limits of Bowenpally Police Station and when reached near HAL Colony Park, RR Nagar Bus Stop, Old Bowenpally they found A1 and A2 carrying one blue colour bag and on suspicion they checked the bag, on enquiry they stated that the bag was containing Hashish Oil extracted from Ganja and that they were taking it to deliver to the customers. The Sub Inspector seized the same under the cover of panchanama and brought the accused to the Police Station along with the seized contraband and lodged the report. Basing on the said report, the above crime was registered and A1 and A2 were arrested and produced before the Court on 02.01.2024.

3. Heard the learned counsel for petitioner/A2 and the learned Additional Public Prosecutor representing the respondent-State.

4. Learned counsel for the petitioner/A2 submitted that the contraband was seized from the possession of A1 but not from the possession of the petitioner/A2. The police falsely implicated him in the present case. The quantity shown by the police was not a commercial quantity and prayed to enlarge the petitioner/A2 on bail.

5. Learned Additional Public Prosecutor reported that the commercial quantity was 1 Kg and the contraband seized from the possession of A1 and A2 was 1025 grams of Hashish Oil, the petitioner was also involved in another case and was arrested by police, Nacharam in Crime No.152 of 2023 earlier, which was of similar nature and prayed to dismiss the bail application.

6. Perused the record.

7. Considering that the quantity of contraband alleged to be seized was only slightly more than the commercial quantity and the same was also shown as seized from the possession of A1 and the petitioner/A2 was in custody since 02.01.2024, it is considered fit to enlarge the petitioner/A2 on bail with certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner/A2 shall be released on bail subject to the following conditions:

- 1) The petitioner/A2 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, Hyderabad.
- 2) The petitioner/A2 shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.
- 3) The petitioner shall not involve in any cases of like nature and if he is reported to be involved, the bail granted is liable to be cancelled.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 14.03.2024
vsl/sa

Dr. G. RADHA RANI, J