

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3127 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – A3 under Sections 437 and 439 of Code of Criminal Procedure (for short “Cr.P.C”) for grant of regular bail in Crime No.544 of 2023 of PS Shamshabad, Cyberabad, registered for the offence punishable under Section 8(c) r/w 20 (b) (ii) (C) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution in brief was that on 20.10.2023 at about 18:30 hours, the Sub-Inspector of Police of Shamshabad Police Station, Cyberabad Commissionerate lodged a report stating that on reliable information about illegal transportation of dry ganja, he along with his staff proceeded to Palamakula Village on NH44 road at P1 Road junction at about 1400 hours and noticed one Mahindra Scorpio vehicle bearing No.AP05 BR 8019, stopped the car and found three persons inside the car. On search of the car, they found 52 packets of ganja each

weighing 2kgs, total 102kgs and seized the same under the cover of panchanama. He apprehended the three persons and shown them as A1 to A3. As per the confession of A1, he got an order to supply dry ganja in huge quantity from A5 and collected about 102 kgs of dry ganja with the help of A4 and packed with the help of A3 and took Mahindra Scorpio car on rent and engaged the petitioner/A2 as driver for Rs.30,000/- to drive the Scorpio car from Malkangiri District, Odisha State to Bengaluru.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

4. The learned counsel for the petitioner submitted that as per the confession of A1, the contraband belonged to A1 and he was transporting the said contraband from Malkangiri, Odisha to Bangalore in a Scorpio vehicle. As per the confession of the petitioner, he was engaged by A1 as coolie for packing and he had nothing to do with the ganja seized. The petitioner was arrested on 20.10.2023 and he was in judicial custody since more than five months. The entire investigation was completed

except for filing the charge sheet and prayed to enlarge the petitioner on bail.

5. The learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the contraband was seized from the vehicle in which the petitioner was also found travelling and he had knowledge about the transportation of contraband.

6. Perused the remand report of A1 to A3, wherein it was stated that it was A1 who got the order to supply dry ganja in huge quantity and A1 collected 102 kgs., of dry ganja with the help of A4 and packed it with the help of A3 and agreed to pay Rs.10,000/- to A3 for his assistance and also brought him along with him from Malkangiri, Odisha to Bangalore in the Scorpio vehicle. As the petitioner-A3 was shown as only a coolie and was engaged by A1 on payment of Rs.10,000/- for his assistance and considering that he was in custody for the past more than five months, it is considered fit to enlarge the petitioner on bail on certain conditions.

7. In the result, the Criminal Petition is allowed and the petitioner-A3 is granted regular bail on the following conditions:

- i) The petitioner-A3 is directed to be released on bail on his executing a personal bond for Rs.25,000/- with two sureties each for the like sum to the satisfaction of the Metropolitan Sessions Judge, Ranga Reddy at L.B. Nagar.
- ii) The petitioner-A3 shall comply with the conditions stipulated under Section 437(3) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition if any shall stand closed.

March 22, 2024.
KTL

Dr. G.RADHA RANI, J