

THE HONOURABLE Dr.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3123 OF 2024

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail to the petitioner-Accused No.4 in NDPS SC No.28 of 2024 on the file of the 1-Additional District and Sessions Judge cum Metropolitan Sessions Judge, Medchal Malkajgiri District at Kushaiguda, for the offence under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).

2. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent-State.

3. Learned counsel for the petitioner submitted that the petitioner was shown as accused in NDPS SC No.28 of 2024. The only allegation against the petitioner in the charge sheet was that he provided one of the vehicles in which the accused persons were found travelling. The petitioner was not the owner of the vehicle, no contraband was seized from the vehicle in which the petitioner was

travelling. The contraband was seized from the other vehicle, which was subsequently stopped by the de facto complainant. The petitioner had no relation with the contraband or the vehicle from which the contraband was seized. The vehicle was not registered in the name of the petitioner or he was not even the driver of the said vehicle. The petitioner was in custody since 09.07.2023 and prayed to enlarge the petitioner on bail.

4. Learned Additional Public Prosecutor stated that a commercial quantity of 230 kgs., of ganja was seized from the possession of A1 to A5, who were arrested on 09.07.2023, as per the complaint lodged by the Detective Inspector of Kukatpally Police Station. He further submitted that the charge sheet was filed and the trial was about to be commenced and at this stage if the petitioner was released, he might not be available for trial and prayed to dismiss the bail application of the petitioner.

5. Perused the record. Considering that the charge sheet would disclose that it was A1 to A3 and A5, who went to Bhadrachalam for procuring the contraband by travelling in two Innova vehicles and on their way to Zaheerabad when they reached Balanagar, A1 made a call

to A4 (the petitioner herein, who provided the escort vehicle) and asked him to come to Zaheerabad along with them to take money and accordingly, the petitioner came to Balanagar and boarded the escort Innova vehicle in which A1, A4 and A5 were found travelling, and at about 15.30 hours when both the vehicles reached Kukatpally 'Y' junction, the de facto complainant along with his team apprehended them. As per the charge sheet as the role of the of the petitioner was confined to providing the escort vehicle and as he was no way connected with the contraband seized from the other vehicle and as the entire investigation was completed and charge sheet also filed, it is considered fit to enlarge the petitioner on bail.

6. Accordingly, the Criminal Petition is allowed and the petitioner-A4 is granted regular bail subject to the following conditions:

- 1) The petitioner-Accused No.4 is directed to be released on bail on his executing 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 I-Additional District and Sessions Judge cum Metropolitan Sessions Judge, Medchal Malkajgiri District at Kushaiguda.

- 2) The petitioner-A4 shall appear before the trial court as and when his presence is required by the trial court.
- 3) The petitioner-A4 shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

March 21, 2024
KTL