

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3124 of 2024

ORDER:

This Criminal Petition is filed by the petitioners/A1 and A2 under Sections 437 and 439 of Cr.P.C. for grant of bail in Crime No.190 of 2023 of Kamatipura Police Station, Hyderabad, registered for the offences punishable under Section 8(c) read with 22(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 188 r/w 34 of IPC.

2. The case of the prosecution, in brief, was that on 29.11.2023, at 20:00 hours, the Sub-Inspector of Police, Kamatipura Police Station, lodged a report stating that on credible information about illegal sale of toddy at House No.20-1-B/20/F, S.V.Nagar, Pardiwada, Puranapul, Hyderabad, he along with his staff and panch witnesses proceeded to the said place, drafted search proceedings and on search of the house, they found six toddy packets (each packet of half liter) and seized the same under the cover of panchanama. A1 was present at the house and she confessed to have committed the offence of selling the toddy to needy customers and earning easy money. Basing on the said

report, the above crime was registered. Initially, a notice under Section 41-A of Cr.P.C. was issued to the petitioners, but subsequently, after receiving the report that Alprazolam, a psychotropic substance along with ethyl alcohol was found in the toddy, the Section of law was altered to 8(c) r/w 22(b) of NDPS Act and the petitioners/A1 and A2 are remanded to judicial custody on 29.02.2024.

3. Heard the learned counsel for petitioners/A1 and A2 and the learned Additional Public Prosecutor representing the respondent-State.

4. Learned counsel for the petitioners/A1 and A2 submitted that the health of the petitioner/A2 was unstable, he was suffering with Epilepsy, as he suffered with an episode of Epilepsy in Central Prison, he was referred to Osmania General Hospital as emergency and a medical note was issued by the Deputy Civil Surgeon, Central Prison, which was enclosed. He further submitted that both the children of the petitioners/A1 and A2 were studying 10th standard and they were appearing for public examinations being held from 18.03.2024. There were no other

persons to look after the children. As such, the children were facing much difficulty and prayed to enlarge the petitioners/A1 and A2 on bail.

5. Learned Additional Public Prosecutor on the other hand opposed grant of bail to the petitioners/A1 and A2 stating that they were selling toddy illegally without obtaining any licence or permission from the competent authority.

6. Perused the record.

7. Considering the medical note issued by the Deputy Civil Surgeon, Central Prison, Hyderabad, wherein it was stated that the petitioner/A2 had sustained an episode of Epilepsy and was also diagnosed with hypertension and for Epilepsy treatment he was referred to Osmania General Hospital on complaints of neck pain due to clenching of teeth involuntarily and even after treatment, his health condition was unstable and considering the hall tickets of the children of the petitioners/A1 and A2 filed by the learned counsel for the petitioners/A1 and A2 which were showing that they were appearing for 10th class examinations and both the

parents were in jail and also considering the nature of the allegations levelled against the petitioners/A1 and A2 and the circumstances of the case, it is considered fit to enlarge the petitioners/A1 and A2 on bail with certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioners/A1 and A2 shall be released on bail subject to the following conditions:

- 1) The petitioners/A1 and A2 shall execute a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum each to the satisfaction of the learned I Additional Metropolitan Sessions Judge, City Criminal Courts, Hyderabad.
- 2) The petitioners/A1 and A2 shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 21.03.2024
ssp

Dr. G. RADHA RANI, J