

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3647 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.2 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), for grant of regular bail in Crime No.270 of 2023 on the file of Suraram Police Station, Medchal Malkajgiri District registered for the offences punishable under Sections 8(c) read with 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘NDPS Act’).

2. The case of the prosecution in brief was that on 02.12.2023 at 11:30 hours, the Sub-Inspector of Police of Suraram Police Station lodged a report stating that on receiving credible information at about 8:00 hours on 02.12.2023 about three persons coming to sell prohibited drug, he obtained instructions from his superiors, secured the panch witnesses and along with his staff proceeded to the Petrol pump near Jeedimetla Bus depot. He also informed the Clues team of Pet Basheerabad Division and also secured the presence of a Gazetted Officer. He found three persons at

the said place and searched them before the Gazetted Officer and seized Crystal Methamphetamine drug and liquid Methamphetamine (mixed with Acetone) from the possession of accused No.1. On enquiry accused No.1 confessed that he used to prepare the said drug and was arrested earlier in 2013. He kept some raw material secretly converted in the form of crystal powder at his house and was using the same as per his requirement. Recently, he prepared Methamphetamine and liquid Methamphetamine with an intention to sell the same. The SI seized 60 grams of Methamphetamine drug in crystal form and 700ml in liquid form, recorded the confession cum seizure panchanama of accused Nos.1 to 3, took them to the police station and lodged the report. Basing on the said report, the above crime was registered and the accused Nos.1 to 3 were produced before the Court.

3. Heard the learned counsel for the petitioner-accused No. 2 and the learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner-accused No.2 submitted that the petitioner-accused No.2 was in jail since 02.02.2023. No recovery was shown from his possession. The entire investigation was completed but charge-sheet was not yet filed. The

petitioner was having a fixed abode and movable and immovable properties at Kakinada, Ramchandrapuram and prayed to enlarge the petitioner-accused No.2 on bail.

5. Learned Assistant Public Prosecutor stated that no criminal antecedents were reported against the present petitioner herein and that no contraband was seized from his possession.

6. Perused the record.

7. Considering the submissions of both the learned counsel as no contraband was seized from the possession of the present petitioner herein and as he was in custody for the past 4½ months and though the investigation was completed charge-sheet is not yet filed till date, it is considered fit to release the petitioner on bail.

8. Accordingly, the Criminal Petition is allowed directing the petitioner/accused No.2 to be released on regular bail subject to the following conditions:

- i) The petitioner/Accused No.2 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 learned

Metropolitan Sessions Judge at Kushaiguda.

ii) The petitioner/Accused No. 2 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

iii) If any adverse report is received against him, the bail granted is liable to be cancelled.

Miscellaneous applications, pending if any, shall stand closed.

Date: 16th April, 2024
dgr

Dr. G.RADHA RANI, J