

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3781 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.62 of 2024 dated 18.01.2024 on the file of PS Rajendranagar, Cyberabad, registered for the offences under Sections 8(c) read with 21(c), 22(c), 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Sections 420, 468 and 471 of IPC.

2. The case of the prosecution in brief was that the Detective Inspector of Police, PS Rajendranagar lodged a report on 18.01.2024 at 3:30 hours stating that on 17.01.2024 at 19:00 hours on receiving credible information that a doctor by name Ahsan Mustafa Khan was delivering Fentanyl Injection ampoules to another doctor by name Khizar Raoof illegally by using the services of Porter App delivery person and the same was delivered at Flat No.502, A.K. Mansion Apartment, Golden Heights Colony, Upperpally, Rajendranagar. Immediately, he secured the presence of two mediators and along with his staff proceeded to the said place, kept a watch on the arrival of porter

and when the porter delivery app person came to deliver the parcel, apprehended the receiver as well as the porter app delivery person at the 5th floor while delivering the parcel. On questioning, the receiver (shown as accused No.3) disclosed his identity as Dr. Khizar Raoof (Urologist) and that he was using Fentanyl ampoule to get relief from his mental depression. As the said drug could be used only in licensed hospitals during surgeries of the patients and as the receiver was not having a valid narcotic license to be in possession of the said drug, the Detective Inspector recorded the confessional statement of Khizar Raoof (accused No.3) and seized four ampoules of Fentanyl without label, each ampoule containing 2 ml quantity. Basing on the confession of accused No.3, they proceeded to the house of accused Nos.1 and 2 alleged to be the suppliers. Accused No.2, the wife of accused No.1 was present in the house and two boxes containing 40 ampoules of Fentanyl and 13 ampoules of Rusan and net cash of Rs.6,08,000/- were seized from the house of accused No.2. The Detective Inspector recorded the confession-cum-seizure panchanama of accused No.2. She was instructed to appear before the P.S. on the next day as it was night time and accused No.2 being a woman. The Detective Inspector of Police produced the seized contraband before the SHO and lodged the report.

The petitioner-A2 was arrested on 18.01.2024 and produced before the Court.

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

4. Learned counsel for the petitioner submitted that the petitioner-A2 was the wife of A1. She was having four children at home, who were minors aged about 8, 9, 12 and 15 years and they were in need and care of their mother. The petitioner-A2 never got involved in any criminal activities. It was the only criminal case registered against her. A8 was enlarged on bail on 14.02.2024, by this Court. A3 was served with a notice under Section 41-A Cr.P.C. and prayed to enlarge the petitioner-A2 on bail.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioner contending that A1, the husband of the petitioner herein was absconding. He was residing in Kuwait country, as such, the investigation could not be completed.

7. Perused the record.

8. Considering that the petitioner was a woman and she was in custody since 18.01.2024 and the incriminating material was seized by the police and no criminal antecedents were reported against her, it is considered fit to enlarge the petitioner on bail conditionally.

9. In the result, the petition is allowed and the petitioner-A2 is enlarged on bail on her executing a personal bond for Rs.1,00,000/- (Rupee One Lakh only) with two (02) sureties each for the like-sum to the satisfaction of the XI Additional Metropolitan Magistrate, Cyberabad at Rajendranagar, Ranga Reddy District. The petitioner shall not leave the country during the pendency of the investigation or trial and must be available to the Investigating Officer or to the Court whenever her presence is required. The petitioner shall comply with the conditions stipulated under Section 437(3) of Cr.P.C..

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G.RADHA RANI, J

Date : 25.04.2024

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