

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3861 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.') to enlarge him on regular bail in Crime No.1386 of 2023 of Gachibowli Police Station, Cyberabad Commissionerate, registered for the offences under Section 8(c) read with Section 22(c) and Section 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 12.12.2023 at about 05.30 hours, the Sub-Inspector of Police, Gachibowli Police Station, on credible information that two persons were transporting Alprazolam, immediately went opposite to B.Bittha Reddy Sweets, in front of K.S.Bakers, Sriramnagar A-Block, Kondapur, Gachibowli, Cyberabad, and while checking the vehicles at about 06.00 hours, found two persons under suspicious circumstances, caught hold them. On enquiry, they revealed their names as Sukka Narsimha Goud and Sukka Rajasekhar Goud (the

present petitioner herein). On further enquiry, it was revealed that accused No.1 was father of accused No.2 and seized 7 Kgs. of Alprazolam found in a bag from the possession of accused No.1 and seized cash of Rs.19,00,000/- found in a plastic cover from the possession of the petitioner herein. As per the confession of petitioner-accused No.2, he and his father and his brother purchased Alprazolam from Pramod Singh, resident of Delhi and from one Bhooma Vittal Goud and Bhooma Narender Goud, residents of Nizamabad and were selling the same to known persons and earning money. Accused No.1 in his confession stated that he brought 34 Kgs., of Alprazolam from Pramod Singh through courier and from 34 Kgs., he sold out 17 Kgs., to one Gundumalla Venkataiah, 10 Kgs., to one Golla Ramesh @ Ramu. The said Golla Ramesh had given an amount of Rs.19,00,000/- as advance and he kept the said amount with his son (the petitioner herein) and Venkataiah said that he would give the amount later. The S.I apprehended A-1 and A-2 and along with the contraband and cash, produced before the Station House Officer, Gachibowli Police Station and lodged a report. Basing on the said report, the above crime was registered.

3. Heard Sri N.Ravi, the learned counsel for the petitioner and learned Assistant Public Prosecutor, representing the respondent-State.

4. Learned counsel representing the petitioner submitted that the petitioner was a software employee working in Verizon Soft Company and was drawing a handsome salary. On the alleged date i.e. on 12.12.2023, the Police apprehended the father of the petitioner herein on the allegation of transportation of Alprazolam Substance and later came to the house of the petitioner and shown him as accused No.2. In fact the petitioner was not found at the alleged scene of offence. The Police roped the petitioner herein into this false case for statistical purpose. The petitioner was having no criminal antecedents and for no fault of him, he was languishing in jail since 12.12.2023. The bank account of the petitioner was also freezed, due to which the family of the petitioner was suffering and prayed to enlarge the petitioner on bail.

5. Learned Assistant Public Prosecutor stated that accused Nos.1 and 2 together were travelling on 12.12.2023 and a commercial quantity of contraband of 7 Kgs. was seized from the possession of

accused No.1 and part of the sale proceeds of the contraband was recovered from the possession of the petitioner-accused No.2 herein.

6. Perused the record.

7. Considering the submissions of both the learned counsel, as no contraband was seized from the possession of the petitioner herein and only it was alleged that an amount of Rs.19,00,000/- was seized from his possession and the truth or otherwise whether the amount pertains to the sale proceeds of the contraband substance can be decided only after full fledged trial and as the petitioner was in custody for the past 156 days, it is considered fit to enlarge the petitioner/accused No.2 on bail.

8. Accordingly, the Criminal Petition is allowed and the petitioner – accused No.2 shall 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.1,00,000/- (Rupees One Lakh only) with two sureties for a like sum each to the satisfaction of the learned II Additional Junior Civil Judge-cum-X Additional Metropolitan Magistrate at Kukatpally.

- ii) The petitioner – accused No.2 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.
- iii) The petitioner – accused No.2 shall not involve in any other cases during the pendency of the trial and shall not leave the Country without the permission of the Court or Investigating Officer. If any adverse reports are received against him, the bail granted to him is liable to be cancelled.

Miscellaneous applications, pending if any, shall stand closed.

Date:16.04.2024
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Dr. G.RADHA RANI, J

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Dated:16.04.2024

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