

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.4073 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.3 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release him on regular bail in connection with Crime No.828 of 2023 on the file of Jubilee Hills Police Station, Hyderabad, registered for the offence punishable under Section 22(c) read with 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).

2. The case of the prosecution in brief was that on 31.12.2023 at 15.00 hours, the S.I of police Jubilee Hills Police Station received credible information that two persons were in illegal possession of Narcotic drug i.e., METHYLENE DIOXY METHAMPHETAMINE (MDMA) and were trying to deliver the same to the needy near Chai Pani cafe, Road No.63, Jubille Hills, Hyderabad. Believing the said information to be true and authentic, he along with his staff and panch witnesses proceeded to the said place by complying the requirements of Section 42(2) of NDPS Act. He found A2 and A3 at the said place. On enquiry, they admitted that

they were in possession of MDMA, Cocaine and Brown Sugar. The S.I of police seized 100 grams of MDMA, 2 grams of Cocaine and 10 grams of Brown Sugar from the possession of A2 and seized a mobile phone from A3. He recorded the confession-cum-seizure panchanama of A2 and A3 and apprehended them. Basing on the said report, the above crime was registered. A2 and A3 were produced before the Court on 01.01.2024.

3. Heard learned Senior counsel Sri Vinod Kumar Deshpande representing learned counsel for the petitioner on record and the learned Additional Public Prosecutor for the respondent – State.

4. Learned senior counsel represented that no contraband was seized from the possession of the petitioner-A3, no criminal antecedents were reported against the petitioner. He was in custody since 01.01.2024 and prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor reported no criminal antecedents against the petitioner.

6. Perused the record. Considering the submission of both the learned counsel as no contraband was seized from the possession of the petitioner and no criminal antecedents were reported against him and he was in custody since 01.01.2024, it is considered fit to enlarge the petitioner – A3 on bail.

7. Accordingly, the Criminal Petition is allowed and the petitioner – Accused shall be released on regular bail subject to the following conditions:

- i) The petitioner – Accused No.3 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 I Additional Metropolitan Sessions Judge, Hyderabad.
- ii) The petitioner – Accused No.3 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date:23.04.2024
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Dated:23.04.2024

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