

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.4096 OF 2024

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail to the petitioner-Accused No.1 in NDPS SC No.28 of 2024 in Crime No.631 of 2023 registered for the offence under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).

2. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent-State.

3. Learned counsel for the petitioner submitted that the petitioner-Accused No.1 was a driver by profession. As per the case of the prosecution the contraband was seized from other accused and from the other vehicle (i.e., car). The petitioner was travelling in the car as an escort to the said vehicle. The entire investigation was completed, charge sheet was also filed and the same was numbered as NDPS SC No.28 of 2024. This Court granted bail to the petitioner-Accused No.4 vide Crl.P.No.3123 of 2024 on 21.03.2024. The

present petitioner would also stand on the same footing. As per the allegations of the prosecution accused Nos.1, 4, 5 were travelling in one car and accused Nos.2 and 3 were found in another car and prayed to enlarge the petitioner on bail.

4. Learned Additional Public Prosecutor stated that the petitioner was also involved in another case *vide* C.C.No.2873 of 2024 on the file of learned V Additional Metropolitan Magistrate Court, Ranga Reddy District, Hyderabad.

5. Perused the record. As per the charge sheet, the petitioners/A1 to A3 and A5, went to Bhadrachalam for procuring the contraband by travelling in two Innova vehicles and while returning to Zaheerabad and at about 15.30 hours when both the vehicles reached Kukatpally 'Y' junction, the *de-facto* complainant along with his team apprehended them. As per the charge sheet the role of the petitioner was stated to be that he arranged the escort vehicle and the driver to the vehicle in which contraband was recovered and that he also proceeded to Bhadrachalam and travelled as an escort to the said vehicle. As the entire investigation was completed and charge sheet also filed and as it was reported that only small quantity was

recovered from his possession in the earlier case i.e., C.C.No.2873 of 2024, for which reason it was tried as a calendar case, it is considered fit to enlarge the petitioner – Accused No.1 on bail.

6. Accordingly, the Criminal Petition is allowed and the petitioner – Accused No.1 shall be released on regular bail subject to the following conditions:

- i) The petitioner – Accused No.1 shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a like sum each to the satisfaction of the learned XII Additional Metropolitan Magistrate at Kukatpally, Cyberabad.
- ii) The petitioner – Accused No.1 shall appear before the trial Court as and when his presence is required by the trial Court.
- iii) The petitioner – Accused No.1 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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