

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.4183 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.1127 of 2023 on the file of Station House officer, Uppal Police Station, Rachakonda Commissionerate registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘NDPS Act’).

2. The case of the prosecution in brief was that on 16.10.2023 at 17:00 hours, the Detective Inspector of Police of Uppal Police Station while performing vehicle checking received credible information about transporting Ganja in a Bolero Vehicle coming from Medipally towards L.B.Nagar through Uppal Bhagayath Road. At about 17:00 hours, they found the Bolero Vehicle bearing No.AP 39 TQ 3339 coming from Medipally side. On seeing the police, the driver of the vehicle tried to escape. They chased the vehicle and stopped the same. On observation, they found one sticker as “Govt.

Vehicle” on the front side of the vehicle and found two persons in the vehicle (one in driver seat, and another besides driver seat). On search of the vehicle, they found contraband material seemed to be ganja. On enquiry, accused No.1 revealed that he was resident of Tangutur village, Prakasham District and accused No.2 stated that he belonged to Somlingapalem, Yellamachi, Anakapally of AP State and both of them procured the contraband from one Dhanraj of Sileru and were transporting the same to one Kashi at Shiridi of Maharastra. The Sub-Inspector seized 40 packets of the contraband each of 2 Kgs, total 80 kgs of dry ganja from Bolero vehicle along with Bolero vehicle, got registered the above case and arrested accused Nos.1 and 2.

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

4. Learned counsel for the petitioner-accused No.2 submitted that the petitioner was the owner cum driver of the Bolero Vehicle and accused No.1 approached him stating that he required the vehicle for the purpose of transport. The petitioner believing the

words of the accused No.1, agreed to rent out the vehicle to the accused No.1 and opted to drive by himself. He had no role to play in the alleged sale and purchase of ganja. He had no interest in any manner for purchase of ganja. Except for leasing out his Bolero vehicle, he had no role in the present crime. The entire investigation was completed and charge-sheet was filed on 17.11.2023 and prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that a commercial quantity of contraband dry ganja was seized from the vehicle belonged to the petitioner and the petitioner also went to Sileru and procured ganja along with accused No.1 and was taking it to Shiridi of Maharashtra. There was a bar under Section 37 of NDPS to release the petitioner on bail. However, he submitted that no criminal antecedents were reported against the petitioner/accused No.2.

6. Perused the record.

7. Considering that the petitioner was in custody since 192 days i.e., from 16.10.2023 onwards and the entire investigation was

completed and charge-sheet was also filed and no criminal antecedents were reported against him and his guilt or innocence can be decided only after full fledged trial, it is considered fit to enlarge the petitioner-accused No.2 on bail conditionally.

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.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to the satisfaction of the learned VI Additional Metropolitan Magistrate, Medchal-Malkajgiri, Uppal at L.B.Nagar
- ii) The petitioner/Accused No.2 shall appear before the trial court as and when the matter is posted for trial without seeking any exemption.
- iii) The petitioner/accused No.2 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C and shall not involve in any other case during the pendency of the trial. 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:25th April, 2024
dgr

Dr. G.RADHA RANI, J