

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.5503 OF 2024

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C by the petitioner seeking anticipatory bail.
2. The petitioner is accused No.1 in Crime No.142 of 2024 on the file of Chatrinaka Police Station, Hyderabad, within the jurisdiction of the I Additional Metropolitan Sessions Judge, Hyderabad, registered for the offences punishable under Sections 8(C) r/w 22 (C), 27 of NDPS Act, 1985.
3. I have heard Sri Mohd. Muzaferullah Khan, learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State.
4. The case of the prosecution in brief is that on 22.03.2024 the police apprehended accused No.1 with

contraband and in his statement, the name of the petitioner has come to light as consumer.

5. Learned counsel for the petitioner submits that the petitioner is innocent and no way involved in the offence. Further, except for the statement of accused, there is no other material on record. Even as per the prosecution, the petitioner is the consumer and if proves, punishable for one year under Section 27 of the NDPS Act. Howsoever, the petitioner has been falsely implicated basing on inadmissible statement of the co-accused, the petitioner is apprehending arrest and he is ready to co-operate with the investigation and abide by any conditions. Thus, prayed for grant of anticipatory bail.

6. Learned Additional Public Prosecutor opposed bail application and submits that the statement of accused No.1 is clear that the petitioner is a consumer and the investigation is under progress.

7. I have considered the submissions and perused the materials on record.

8. Having regard to the facts and circumstances of the case and the role attributed in the offence against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

9. Accordingly, the present Criminal Petition is allowed on the following conditions:

- 1) The petitioner/accused is directed to surrender before the Station House Officer, PS, Chatrinaka, Hyderabad, on or before 20.06.2024. Upon such surrender, the Station House Officer shall release the petitioner on bail, on executing a self-bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to his satisfaction.
- 2) The petitioner shall appear before the Station House Officer on every Saturday till filing of charge sheet and the petitioner shall make

himself available for interrogation and the judicial process as and when required, except for leave of the Court. The petitioner shall make himself available for interrogation as and when they required by the police till filing of charge sheet.

- 3) The petitioner shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the investigation.
- 4) In case the petitioner commit breach of any of the above conditions, the bail is liable to be cancelled at the instance of the prosecution.

10. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, pending if any, shall stand closed.

Date: 10.06.2024
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N.TUKARAMJI, J

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Dt.10.06.2024

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