

THE HONONOURABLE SRI JUSTICE J. SREENIVAS RAO

CRIMINAL PETITION No.5562 of 2024

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') seeking regular bail to the petitioner/accused No.4 in Crime.No.324 of 2024 on the file of the P.S. Gachibowli, Cyberabad District, registered for the offences punishable under Section 8c, 20(b)(ii)(C), 25, 27, 27-A, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. The case of prosecution in brief is that Sub-Inspector, Gachibowli Police Station received reliable information that about four ladies and two gents are selling Ganja from their house bearing No.1-24/4 and 5, situated at Lodha Basthi, Nanakramguda, proceeded to the place along with his team and knocked the door, one women came, on being informed about the information they received, she tried to run away, but the police apprehended her and found some persons outside the room. The police on search found a

cotton box containing 11 packets of Ganja, on weighment of 11 packets each contains 1.9 Kg ganja and in total 22.6 Kgs and seized the same along with some cash and registered Crime No.324 of 2024.

3. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that petitioner is not the resident of the area where the Ganja was seized. According to the prosecution, there are seven persons who were accused, from whom the police stated to have seized 22.6 Kgs of ganja and the petitioner was implicated in the said crime on the sole ground that petitioner is Co-sister of A.1. He further contended that the police have not complied with the Mandatory provisions of NDPS Act and the petitioner was arrested on 13.03.2024 and since then she has been in jail and the petitioner is a heart patient and therefore, she is entitled for grant of bail.

5. *Per contra*, learned Assistant Public Prosecutor submits that petitioner and other accused have committed

grave offence under Section 8c, 20(b)(ii)(C), 25, 27, 27-A, 29 and the police seized 22.6 Kgs of Ganja and she is not entitled for grant of bail.

6. Having considered the rival submissions made by respective parties and after perusal of the material available on record, it reveals that Police, Gachibowli seized 22.6 Kgs of Ganja from the house bearing No.1-24/4 and 5 and registered Crime against seven persons and there is no specific allegation against the petitioner that the police seized the contraband from her. Keeping in view of the total quantity of contraband seized from the possession of seven persons and the petitioner, who is suffering with ill-health, is in jail from 14.03.2024, this Court is inclined to grant bail to the petitioner with some conditions:

(i) The petitioner/accused No.4 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 X Additional Metropolitan Magistrate, Prashanthi Nagar, Kukatpally, Hyderabad.

(ii) The petitioner/accused No.4 shall appear before the concerned SHO at 11.00 A.M. on every

Monday, for a period of eight(8) weeks for the purpose of investigation and thereafter, as and when required.

iii) If the petitioner/accused No.4 after release involve in the very same offence, the bail granted in her favour shall stand cancelled.

The petitioner/accused No.4 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

J. SREENIVAS RAO, J

Date: 16.05.2024
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Dt:16-05-2024

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