

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.5669 of 2024

ORDER:

This petition is filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') seeking grant of regular bail.

2. The petitioner is accused No.2 in C.O.R.No.31 of 2024 on the file of the Excise Police Station, Balanagar, Hyderabad for the offences punishable under Sections 8(c) r/w.21 and 22(b) of NDPS Act.

3. The prosecution case in brief, is that on 08.04.2024, while the petitioner is travelling in a four wheeler along with accused No.1, they were apprehended while in possession of 4.97 gms of MDMA kept in 7 zip lock covers in a leather bag in the car and the same was seized.

4. Learned counsel for the petitioner submits that the petitioner is only driver and he is no way involved in the offence. Further, the Sessions Court concerned has granted regular bail to the accused No.1 on

03.05.2024. That apart, the prosecution completed investigation except for filing of charge sheet. Additionally pleaded that he has dependant mother who is suffering with paralysis, on death bed. In any case, the petitioner is ready to cooperate in the judicial process and furnish suitable security and abide by the conditions that may be imposed. Hence, prayed for grant of bail.

5. Learned Additional Public Prosecutor opposed the bail petition and submits that the contraband was seized from the car in the conscious position of the petitioner and the other accused. Further, granting of bail by the trial Court in favour of the accused No.1 is on medical grounds and the case of the petitioner has to be examined independently. However, stated that material part of investigation has been completed except for receiving of Forensic Science Laboratory report.

6. I have considered the submissions of the learned counsel and perused the material available on record.

7. As per the prosecution, the petitioner is found in possession of the contraband of intermediary quantity while travelling in a four wheeler along with the other accused. However, having regard to the submissions and the intermediary quantity of contraband, the present stage of investigation and the duration of judicial custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

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

- i) The petitioner/accused No.2 shall be released on bail, subject to his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the VII Additional Metropolitan Magistrate, Kukatpally.
- ii) The petitioner shall communicate his residential and contact particulars to the Investigating Officer and changes if any from time to time, till conclusion of the case.

- iii) The petitioner shall make himself available for interrogation as and when required by the police till filing of charge sheet.
- iv) The petitioner shall not influence or intimidate any witnesses or tamper with the evidence of the prosecution.
- v) The petitioner shall not indulge in any offence.
- vi) In case the petitioner commits breach of any of the above conditions, the bail granted by this Court is liable to be cancelled at the instance of the prosecution.

As a sequel, miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

N. TUKARAMJI, J

Date: 06.06.2024

Lpd

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