

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.5697 of 2024

ORDER:

This petition is filed under Sections 437 and 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.10 in Cr.No.195 of 2023 on the file of the Dabeerpura Police Station, Hyderabad within the territorial jurisdiction of VIII Additional Chief Metropolitan Magistrate, Nampally for the offences punishable under Sections 8(c) r/w. 22(c) and 27 of NDPS Act.

3. The acquisition against the petitioner is that he had purchased the contraband from the accused No.2 in turn, to sell it to the other consumers at higher price.

4. Learned counsel for the petitioner would submit that the petitioner has been implicated on the statement of accused and on the analysis of bank

statement and no contraband has been seized from his possession and no material is on record pointing that the petitioner has either purchased or sold any contraband. Further pleads that this Court vide criminal petition Nos.11497 and 12338 of 2023, granted anticipatory bail and regular bail to the accused Nos.6 and 3 respectively and the charge sheets are filed against the other accused except the petitioner. However, as the investigation is completed the petitioner may be enlarged on bail.

5. Learned Additional Public Prosecutor opposed the bail petition and submits that the bank statements are clearly indicating the transactions between the petitioner and accused No.2 and it is also revealed that the petitioner purchased the contraband for selling to the consumers. The charge sheet could not be filed against the petitioner for want of his presence, though charge sheet against the other accused has been filed. Thus, there is no tenable ground for grant of bail and prayed for dismissal.

6. I have perused the material available on record.

7. As per the prosecution, the petitioner purchased the contraband from Accused No.2 for selling the same to the consumers and the prosecution is relying on bank statement to prove this fact. Howsoever, one of the prime Accused No.3 has been granted bail by this Court on the ground that the inventory mandated in the Act has not been conducted. Having regard to the fact that no contraband was physically seized from the petitioner and the fact that the prime accused has been granted bail for non compliance of mandatory requirement under the statute, this Court is of the opinion that, the prayer of the petitioner can be positively considered.

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

- i) The petitioner/accused No.10 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 VIII Additional Chief Metropolitan Magistrate, Nampally and he shall appear before the Station House Officer concerned on every Wednesday and Saturday till filing of charge sheet.

- ii) The petitioner shall communicate his residential address and contact numbers to the Investigating Officer and also the 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 illegal activity.
- vi) In case the petitioner commits breach of any of the above conditions, the bail 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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