

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

CRIMINAL PETITION No.5992 OF 2024

ORDER

This petition is filed under Section 437 read with Section 439 of the Code of Criminal Procedure seeking regular bail.

2. The petitioner is accused No.4 in Crime No.118 of 2024 of Medchal Police Station, Cyberabad Commissionerate, within the jurisdiction of the IX Additional Metropolitan Magistrate, Medchal.

3. The prosecution case against the petitioner is that, the petitioner along with three others while proceeding in a Car were apprehended and on their statement it came to light that they were proceeding as escort for another Car, wherein the contraband is being transported. On their statement, the other four wheeler was intercepted, from which 64 Kgs., of Ganja has been seized from the possession of the other accused. Thus, the petitioner had committed offence under Section 8(c) read with Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act')

4. Heard Mr. B.Chandra Shekar Reddy, learned counsel for the petitioner and Sri S.Sudarshan, learned Additional Public Prosecutor, representing the respondent-State.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he is just accompanying his friend, who is other accused, and no way involved in the offence. Further, no contraband has been seized from the possession of the petitioner and no other material has been presented by the prosecution to discern his involvement. That apart, the petitioner is in judicial custody since 09.02.2024 and he is ready to furnish sufficient securities and co-operate with the judicial process and would abide by any condition that may be imposed. Hence, prayed for grant of bail.

6. Learned Additional Public Prosecutor opposed the bail application and pleaded that the petitioner and two others were in the Car, which is escorting another Car in transportation of the contraband. The investigation is still pending and two accused are still at large. However, fairly admits that as of now, the investigating agency has no other material against the petitioner, except the confessional statements.

7. I have perused the material on record and the submissions of the learned counsel are given due consideration.

8. Even as per the prosecution case, the petitioner was proceeding in a Car as an escort to the other Car, which is carrying contraband. Admittedly, no contraband was seized from the possession of the petitioner. That apart, so far, the prosecution could not make out any other material except the confessional statement against the petitioner to prove his involvement. Having regard to these aspects and the period of judicial custody undergone by the petitioner and the stage of investigation, this Court is of the view that the prayer of the petitioner for bail can be accepted.

9. In consequence, the Criminal Petition is allowed on the following conditions:

- i) Petitioner/accused No.4 shall be released on bail, subject to his executing a personal bond for Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties, one from the jurisdiction of the Court concerned and the other from the residential/native place of the petitioner, for a like sum each to the satisfaction of the IX Additional Metropolitan Magistrate, Medchal.
- ii) Petitioner/accused No.4 shall appear before the Police concerned on every Tuesday and Friday and shall also

make himself available for interrogation as and when required by the Police concerned till filing of charge-sheet.

- iii) Petitioner/accused No.4 shall appear before the trial Court on each day fixed unless personal presence is exempted.
- iv) Petitioner/accused No.4 shall not influence or intimidate any witnesses or tamper with the evidence of the prosecution.
- v) Petitioner/accused No.4 shall not indulge in any illegal activity or an offence.
- vi) In case, petitioner/accused No.4 commits breach of any of the above conditions, the bail granted is liable to be cancelled at the instance of the prosecution.

Pending miscellaneous applications, if any, in this Criminal Petition shall stand closed.

N.TUKARAMJI, J

Date: 12.06.2024

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