

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.5904 OF 2024

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C seeking anticipatory bail.
2. The petitioner is accused No.2 in COR No.45 of 2020, on the file of the PS Prohibition and Excise, Dhoolpet, within the territorial jurisdiction of the I Additional Chief Metropolitan Magistrate, Hyderabad.
3. I have heard Ms. R. Sowmya Reddy, learned counsel representing Sri Suresh Singh, learned counsel for the petitioner and Sri Khaja A. Vizarath Ali, learned Assistant Public Prosecutor for the respondent-State.
4. The case of the prosecution in brief is that on 24.02.2020, while the complainant and his staff searched H.No.14-8-414/1, Jummerath Bazar, Hyderebad and found accused No.1 in possession of 1.250 kgs of Ganja and her statement revealed that

involvement of the petitioner/accused No.2 in the offence. Thus, the petitioner committed the offence under Section 8 (C) r/w 20 (b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the case. Further submits that the crime was registered in February, 2020, however, except the statement of co-accused, no other material is against the petitioner and he was not arrested so far. In addition pleaded that the petitioner is ready to abide by any conditions that may be imposed and would cooperate with the investigation, but, as he is apprehending arrest, prayed for grant of anticipatory bail.

6. Learned Assistant Public Prosecutor opposed bail application and submits that the petitioner's role came to light on the statement of accused No.1. However, fairly submits that except the statement of accused No.1, no other material is found against the petitioner.

7. I have considered the submissions of learned counsel and perused the materials placed on record.

8. As per the prosecution, the petitioner's role came to light on the statement of accused No.1. Though the crime was registered in February, 2020, so far, no other material could be procured by the prosecution against the petitioner. Having regard to this position, this Court is inclined to accept the prayer of the petitioner for grant of anticipatory bail.

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

- 1) The petitioner/accused No.2 is directed to surrender before the Station House Officer, PS, Prohibition and Excise, Dhoolpet, on or before 08.07.2024. 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 make himself available for interrogation and the judicial process as and when required, except for leave of the Court.
- 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.

Miscellaneous applications, pending if any, shall stand closed.

N.TUKARAMJI, J

Date: 01.07.2024
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Dt.01.07.2024

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