

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6011 of 2024

ORDER:

This petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking grant of regular bail.

2. The petitioner is accused No.1 in SC NDPS No.127 of 2022 on the file of the Metropolitan Sessions Judge at Hyderabad.

3. I have heard learned counsel for the petitioner and Sri S. Sudarshan, learned Additional Public Prosecutor for the Respondent - State.

4. The prosecution case in brief is that, the petitioner/accused No.1 was found in possession of 14 bottles (each bottle of 5 ml) of Hashish oil. Thus committed the offences under Sections 8 (c), read with 20 (B)(ii)(b) of Narcotic Drugs and Psychotropic Substances Act, 1985.

5. Learned counsel for the petitioner submits that earlier the petitioner has been granted bail but as he

remained absent for the proceedings, Non Bailable Warrant (NBW) was issued and on execution produced before the Court on 16.04.2024. It is pleaded that the absence of the petitioner was in unavoidable circumstance, however his instruction to counsel for seeking necessary permission from the Court has not been attended. That apart on the date, when he appeared before the Court with surrender application, the same was returned and in the later part of the day, the police apprehended him. He further submits that, during the period of NBW another crime has been registered against his mother showing him as accused No.2 with commercial quantity of Hashish oil, even so, considering the merits, this Court had granted bail to the petitioner in that crime. Since the date of second judicial remand, the petitioner is in judicial custody about 58 days. He is ready to cooperate with the judicial process and would be appearing for all the proceedings before the trial Court. Hence, prayed for grant of bail.

6. Learned Additional Public Prosecutor opposed the bail application and pleaded that the petitioner had jumped bail and his presence was secured by execution of

NBW. Further, the petitioner was involved in similar offences, though bail has been granted. As the charge sheet has filed and the presence of petitioner is required for trial, thus the petition may not be considered.

7. I have perused the material available on record.

8. Having regard to the facts that earlier the petitioner was granted bail, the accusation, the quantity of contraband seized from the petitioner, the trial stage of criminal case and contested impediment is only to secure the petitioner for judicial process, this Court is inclined to grant bail, however on certain terms.

9. Accordingly, the present Criminal Petition is allowed as follows:

- i) The petitioner/accused No.1 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 III Additional Chief Metropolitan Magistrate, Hyderabad.
- ii) The petitioner/accused No.1 shall communicate his residential address and contact numbers to

the Investigating Officer on affidavit and changes if any from time to time, till conclusion of the case.

- iii) The petitioner/accused No.1 shall appear before the trial Court on each date fixed by the Court unless personal presence is exempted by the trial Court.
- iv) The petitioner/accused No.1 shall not influence or intimidate any witnesses or tamper with the evidence of the prosecution.
- v) The petitioner/accused No.1 shall not indulge in any illegal activity or offence.
- vi) In case the petitioner/accused No.1 commits breach of any of the above conditions, this 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.

JUSTICE N. TUKARAMJI

Date:12.06.2024

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