

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6034 OF 2024

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C by the petitioner seeking anticipatory bail.
2. The petitioner is accused No.2 in COR No.31 of 2023 on the file of the PS, Prohibition & Excise, Balanagar, Medchal-Malkajgiri District, within the territorial jurisdiction of the XIII Addl. Metropolitan Magistrate, Kukatpally.
3. I have heard Sri V. Sudhakar Babu, learned counsel for the petitioner and Sri Khaja A. Vizarith Ali, learned Assistant Public Prosecutor for the respondent-State.
4. The case of the prosecution in brief is that on 13.05.2023, the complainant and his team surprised the H.No.11-102, Pathiwada, Fathenagar and found accused No.1 in possession of 2.150kgs of dry ganja

and on his statement, the role of the petitioner in the business came to light. Thus, the petitioner committed offence punishable under Section 8(c) r/w 20 (b) (ii) (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

5. Learned counsel for the petitioner submits that the petitioner is innocent and no way involved in the offence. Further, except the statement of the co-accused, there is no other material on record against the petitioner. Thus the petitioner has been falsely implicated basing on inadmissible statement of the accused and there is no criminal antecedent against him. However, he is ready to assist the investigation and abide by any conditions that may be imposed. But, as he is apprehending arrest, prayed for grant of anticipatory bail.

6. Learned Assistant Public Prosecutor opposed bail application and submits that the statement of accused No.1 is clear about the involvement of the petitioner and

charge sheet is filed against accused No.1 and fairly stated that so far except of the statement of accused No.1 no other material is there on record against the petitioner.

7. I have considered the submissions and perused the materials on record.

8. Having regard to the fact that except the statement of co-accused the prosecution could not uncover any other material against the petitioner even after one year, this Court is inclined to grant anticipatory bail to the petitioner.

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 & Excise, Balanagar, Medchal-Malkajgiri District, on or before 15.07.2024. 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 appear before the Station House Officer on every Saturday till filing of charge sheet and 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.

Date: 05.07.2024

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N.TUKARAMJI, J

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Dt.05.07.2024

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