

THE HONOURABLE SRI JUSTICE N. TUKARAMJI

CRIMINAL PETITION No.6993 of 2024

ORDER:

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail.
2. The petitioner is accused No.6 in Crime No.68 of 2024 of Danthalapally Police Station, Mahabubabad District, within the territorial jurisdiction of the Judicial First Class Magistrate at Thorrur, Mahabubabad District.
3. Heard Sri K. Karunakar, learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State.
4. The prosecution case in brief is that on 30.04.2024, the complainant and his team apprehended four persons/accused, while proceeding on two bikes were found in possession of 4.420 kgs of Ganja and accused No.1, in his statement has revealed that contraband has to be handed over to the other accused/accused Nos.5 to 9, who includes the petitioner.

5. Learned counsel for the petitioner submits that no contraband has been seized from the possession of the petitioner and in all the quantum of contraband involved is of intermediary. The petitioner is in judicial custody since 30.04.2024. Further, there is no specific overt act against the petitioner as to his role in the offence. The petitioner is ready to furnish suitable security and cooperate with the investigation and judicial process. Hence, prayed for grant of bail.

6. Learned Additional Public Prosecutor opposed bail petition and submits that accused/A5 and A10 are still absconding, however, the investigation is complete and charge sheet is yet to be filed. Further, Accused No.9 was granted bail vide CrI.P.No.5800 of 2024 dated 10.06.2024.

7. I have perused the materials on record.

8. The allegation against the petitioner is that the accused Nos.1 to 4 would handover the seized contraband to the petitioner and other accused. Having regard to the depth of allegation, quantum involved and as investigation is

completed, this Court is inclined to accept the prayer for grant of bail to the petitioner.

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

- i) The petitioner/accused No.6 shall be released on bail on executing a self-bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the Special Sessions Judge for trial of cases under NDPS Act -cum- Principal Sessions Judge, Mahabubabad.
- ii) The petitioner/accused shall communicate his residential address and contact numbers to the investigating officer, to the concerned Court and also to Station House Officer in an affidavit and changes if any from time to time, till conclusion of the case.
- iii) Further, the petitioner/accused is directed to make himself available for the judicial process on every adjournment, except for the leave of the Court.
- iv) The petitioner shall not interfere or intimidate the prosecution witnesses nor shall attempt to tamper with the evidence.

v) The petitioner shall not indulge in any illegal activity or offence.

vi) If the petitioner commits any breach of the above conditions, the investigating agency/ prosecution shall be at liberty to initiate proceedings for cancellation of bail.

As a sequel, miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

JUSTICE N. TUKARAMJI

Date: 04.07.2024

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