

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.7135 of 2024

ORDER :

Petitioner/accused No.2 has filed this petition under Sections 437 and 439 of Cr.P.C. seeking bail in Cr.No.82 of 2024 of P.S. Karkhana, registered for the offences under Sections 8 (c) r/w 22 (c) and 29 of NDPS Act, 1985.

2. Heard learned counsel for petitioner/accused No.2 and the learned Additional Public Prosecutor appearing for the respondent-State.

3. The case of the prosecution is that on 02.04.2024, on information, the Sub-Inspector of Police, PS, Karkhana along with the staff, proceeded towards BRO Junction Bus Stop at Karkhana, Hyderabad and apprehended the petitioner/accused No.2 along with accused No.1 and seized 4.00 Kgs of Alprazolam and recorded confession statement and in the confession statement, both the accused have confessed that they are having 4 polythene bags of Alprazolam stuffed in their car stepney tyre.

4. Learned counsel for petitioner/accused No.2 has submitted that the petitioner has been falsely implicated in this case. It is stated that accused No.1 is running toddy business and that the

petitioner/accused No.2 is a close friend of accused No.1 and hence, agreed to drive the vehicle on offering some amount. It is further submitted that since investigation is completed and charge sheet is also filed, prays to allow the petition.

5. The learned Additional Public Prosecutor filed counter affidavit stating that the investigation clearly discloses that accused No.3 handed over 3.912 Kgs of Alprazolam in four Black colour Polythene covers to accused No.1, further accused Nos.1 to 3 stuffed the same into a car stepney tyre so as to conceal the same and when accused Nos.1 and 2 were transporting the Alprozolam, they were apprehended by the Police, hence, accused No.2 is having knowledge about transportation of Alprazolam, and hence, prayed to dismiss the application.

6. On perusal of the charge sheet, remand case diary, it is apparent that petitioner/accused No.2 was engaged as a driver being close friend of accused No.1 and thus, petitioner/accused No.2 is in no way concerned with the Alprozolam seized. Further, since investigation has been completed and charge sheet is also filed and since the petitioner is not involved in any other crime, this Court is of

the considered opinion that the petitioner can be granted bail subject to the following conditions:

- i. **The petitioner/accused No.2 shall be released on bail on his executing a personal bond for Rs.20,000/- with two sureties, for the like sum each to the satisfaction of I Additional Metropolitan Sessions Judge, Hyderabad.**
- ii. **If the petitioner again commits similar offence, the prosecution is at liberty to file a petition for cancellation of bail.**
- iii. **The petitioner shall abide by the other conditions stipulated in Section 437(3) Cr.P.C.**

Petition is accordingly allowed.

JUVVADI SRIDEVI, J

Date: 15.07.2024

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