

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13238 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused 1 & 2 under Sections 480 & 483 of BNSS for grant of regular bail in Crime / COR.No.247 of 2024 on the file of SHO, Prohibition and Excise, Dhoolpet, Hyderabad, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act (for short “NDPS” Act), 1985.

2. The case of the prosecution in brief was that on 06.10.2024 at 11:50 hours, the Sub-Inspector of Prohibition & Excise, Dhoolpet, Hyderabad along with his staff, on reliable information, raided the house premises of A1 at 14-10-600, Lower Dhoolpet, Karwan Sahu, Hyderabad. They found A1 and A2 in the said house. On search of the house, the staff found a closed thermocol box with bundles rapped with brown color tape and after cutting open the bundles, they found dry ganja and on weighing the same, they found it to be of 22.922 kgs. On enquiry with A1 and A2, they admitted that they were stocking and selling the ganja at the instance of A3 to A5, who were paying an amount of Rs.1,000/- per kg for stocking the same. Basing on the said confession made by A1 and A2, they were arrested and Crime / COR.No.247 of 2024 was registered

against six (06) persons. A3 and A4 were taken on PT warrant and it was reported that A5 and A6 were absconding.

4. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent – State.

5. Learned counsel for the petitioners submitted that a false case was registered against the petitioners. The contraband was recovered not from their house but from behind their house. On a reading of the complaint, it would not attract the provisions of the offences under Section 8(c) read with 20(b)(ii)(C) of NDPS Act, 1985.

5.1. Learned counsel for the petitioners submitted that the petitioners were having a son, who was permanently disabled with 90% disability by birth and there were no one to feed him and to take care of him and prayed to enlarge the petitioners on bail.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioners stating that a commercial quantity of contraband dry ganja was recovered from their house. He also submitted that the petitioners were also involved in Crime No.417 of 2019 of PS, Dhoolpet.

7. Considering that only slightly more than the commercial quantity of dry ganja was recovered from the house of the petitioners and as it was reported that

they were not procuring the contraband dry ganja or supplying the same, but were assisting A3 for stocking the same in their house due to their financial problems and that they were also having a physically disabled son, who was suffering with 90% disability and that they were in custody since 06.10.2024, it is considered fit to enlarge the petitioners on bail.

8. In the result, the Criminal Petition is allowed directing the petitioners to be released on bail on their executing a personal bond of Rs.15,000/- (Rupees Fifteen Thousand Only) each with two sureties for a like sum each to the satisfaction of the learned I Additional Judicial Magistrate, Hyderabad. The petitioners / A1 and A2 shall comply with the conditions laid down under Section 480(3) of B.N.S.S.

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

Dr. G. RADHA RANI, J

Date: 08th November, 2024
Nsk.