

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.13364 OF 2024

ORDER:

This criminal petition is filed by the petitioner – accused No.2 under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail in C.O.R. No.1 of 2024 of Prohibition and Excise Station, Balanagar, registered for the offences under Sections 34(a) r/w. 34(1) and 37(A)(1)(ii) of T.S. Excise Act, 1968 r/w. 4(a) and 5(a) of T.S. Chloral Hydrate Rules, 1973.

2. The case of the prosecution, in brief, was that on 03.01.2024 at about 04.00 A.M., the DTF Medchal party and SHO Balanagar staff along with panchas conducted route watch on the road beside Ramraj Nagar Colony Kaman, Diary Farm Road, Bowenpally, Balanagar Mandal, Medchal District and seized (560) kgs of Chloral Hydrate in (20) bags, along with one Maruthi Ertiga Car bearing No.TS08GW9090 from the possession of accused No.1. Accused No.1 confessed about the involvement of accused Nos.2 to 9 stating that one Raju Bhai who was staying in Mumbai supplied the said contraband to him.

Subsequently, the Prohibition and Excise Inspector, Balanagar P.S. proceeded to Raigad and effected the arrest of petitioner – accused No.2 and seized 2 kgs. of Chloral Hydrate from his possession and produced him before the Criminal Court in Raigad, Maharashtra, obtained Transit Warrant and thereafter produced the petitioner – accused No.2 before the concerned Court.

3. Heard Ms.E.R.Savithri, learned counsel representing Sri. S.S.R. Murthy, learned counsel for petitioner on record and learned Additional Public Prosecutor for respondent-State.

4. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in the above case, he never committed any offence as alleged by the respondent-Police. The entire investigation was completed, as such, there was no question of tampering the evidence. The petitioner was not required for any further investigation and prayed for grant of regular bail to the petitioner.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that a huge quantity of Chloral

Hydrate was recovered from the possession of accused No.1 and accused No.1 has disclosed the name of the present petitioner – accused No.2 as supplier and that a commercial quantity of Chloral Hydrate was recovered from the possession of petitioner – accused No.2 and prayed to dismiss the bail application of the petitioner.

6. Perused the record.

7. Considering that no details of the present petitioner – accused No.2 were given by accused No.1, except stating the name as Raju Bhai of Mumbai and that only 2 kgs. of Chloral Hydrate was recovered from the possession of petitioner – accused No.2 and no criminal antecedents were reported against him and as he was in custody since 05.10.2024, it is considered fit to enlarge the petitioner on bail.

8. In the result, this Criminal Petition is allowed, directing the petitioner – accused No.2 to be released on bail in the above crime, subject to the following conditions:

- i) The petitioner - accused No.2 shall execute a personal bond for a sum of Rs.25,000/- (Rupees

Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the Additional Junior Civil Judge-cum-XIII Additional Metropolitan Magistrate at Kukatpally, Medchal-Malkajgiri District.

ii) The petitioner – accused No.2 shall abide by the conditions stipulated in Section 480 (3) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G. RADHA RANI, J

Dt: 08.11.2024
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