

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13555 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.2 in Crime No.58 of 2024 of Nampally Excise Police Station, Hyderabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 15.08.2024 at 1:48 P.M., the Prohibition and Excise Sub-Inspector and staff of A.C. Enforcement, Hyderabad conducted route watch at Bhole Sahib Maqta road near Kirtilal Jewellers beside Panjagutta Flyover, Nampally, Hyderabad, and found accused No.3 selling Weed Oil to accused Nos.1 and 2. On seeing the police, A-3 fled away. They caught hold accused Nos.1 and 2 and recorded the confession cum seizure panchanama and seized the said contraband i.e. 1.5 kgs of Weed Oil along with one Bajaj Pulsar vehicle bearing registration No.AP-35-J-2838 and one Honda Dio vehicle bearing registration No.TS-08-JQ-0881 and three mobile phones of the accused. Basing on the said complaint, the Nampally Excise Police registered a case in

Crime No.58 of 2024 for the offences punishable under Sections 8(c) read with 20(b)(ii)(c) of the NDPS Act.

3. Heard Sri J.Vivek Goud, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Manoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner *firstly* submitted that the petitioner was innocent and he had not committed any offence and he was also not in possession of the said contraband. He *secondly* submitted that the provisions of NDPS Act under Sections 42 and 50 were not complied with by the Police. He *thirdly* submitted that the petitioner has been in judicial custody since 15.08.2024, causing undue hardship to his family. The petitioner is resident of Kukatpally, Hyderabad, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that previously, bail applications of the petitioner, *vide* Crl.M.P.Nos.4206 of 2024 and 4429 of 2024, were dismissed by the I Additional Sessions Judge, Hyderabad at Nampally, on 13.09.2024 and 30.09.2024 respectively,

without valid reasons. Therefore, he prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed grant of bail to the petitioner, however, reported that there were no criminal antecedents against the petitioner.

6. Considering the submissions of both the parties, as the petitioner was in custody since 15.08.2024 and the contraband was not purchased by him by the date of his arrest and no criminal antecedents were recorded against him, this Court deems it fit to grant bail to the petitioner subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, with two sureties for a like sum each to the satisfaction of the I Additional Metropolitan Sessions Judge at Nampally, Hyderabad.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.

- iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.(presently, Section 480(3) of the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 18.11.2024
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