

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.13561 of 2024

ORDER:

This Criminal Petition is filed seeking the Court to enlarge the petitioner who is arrayed as accused No.2 in Crime No.170 of 2024 before the Hussaini Aalam Police Station, Hyderabad District, on bail.

2. The brief facts of the case are that on 28.08.2024 a complaint was received from Sri M Narsimha, Sub Inspector of Police, Hussainialam, Hyderabad, stating that he received credible information about two individuals, aged 39 and 33, respectively, planning to deliver Hash Oil at Petlaburz, near the HP Petrol Pump, at 12:00 PM. That being so, a team, including the complainant, along with clues team, proceeded to Petlaburz, where they detained two suspects by names Pallapure Bheem @ Bheema/accused No.1 and Anil Hallikendkar/petitioner/accused No.2. Upon questioning, accused No.1 confessed carrying Hash Oil and a confessional and seizure panchanama was recorded. The seized contraband, 1 kg of Hash Oil, was found in the vehicle, and

the Hash Oil was sealed as M-1. The cell phone and bike of accused No.1 were also seized and marked as P-1 and P-2, respectively. On receipt of the said complaint, the petitioner was arrayed as accused No.2 for the offences punishable under Sections 8c, 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

3. Heard Sri N.Srinivas, learned counsel for petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor, for respondent – State.

4. Learned counsel for petitioner submitted that the petitioner seeks bail stating that the complaint and remand report lack specific allegations against him, and he was falsely implicated in the crime case. He contended that the petitioner was arrayed as an accused solely based on being a friend of accused No. 1 and the allegations against him are false and concocted. He lamented that the material on record would show no specific overt acts against the petitioner. Further, the complaint does not disclose even the name of petitioner. He asserted that despite cooperation with the investigation, the petitioner was sent to judicial remand on 28.08 2024 and that he has been in jail for over 43 days. He averred that the trial

Court dismissed the first bail application without assigning cogent reasons, violating the fundamental right to life and personal liberty under Article 21 of the Constitution. Therefore, prayed this Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, the learned Assistant Public Prosecutor, opposed the submissions made by learned counsel for petitioner and contended that petitioner is native of Bidar, Karnataka State, and there are serious allegations against him. He averred that if petitioner is released on bail, he might commit similar offences and the same would result to facing hardship in locating his whereabouts. Therefore, prayed this Court to dismiss the criminal petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that the allegation leveled against the petitioner is that he along with accused NO.1 is involved in the business of hash oil and the contraband seized by the Police is that of commercial quantity, whereas, the record would reveal that the investigation in the case is already completed and the petitioner is in jail from 28.08 2024. Further, there is no

information on record which would show that he is involved in any other criminal case, as such, this Court deems it fit to grant bail to the petitioner subject to the following conditions:

- i. The petitioners shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each to the satisfaction of the Sessions Judge, at Hyderabad, Hyderabad District.
- 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.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 20.11.2024
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