

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13658 of 2024

ORDER:

This Criminal Petition is filed by the petitioner/accused No.4 under Sections 480 & 483 of BNSS for granting of regular bail in Crime/COR.No.247 of 2024 on the file of Station House Officer, Prohibition and Excise Station, 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 Accused No.1 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 Accused Nos.1 and 2, they admitted that they were stocking and selling the ganja at the instance of Accused Nos.3 to 5, who were paying an amount of Rs.1,000/- per kg for stocking the same. Basing on the said

confession made by Accused Nos.1 and 2, they were arrested and Crime/COR.No.247 of 2024 was registered against six (06) persons. Accused Nos.3 and 4 were taken on PT warrant and it was reported that Accused Nos.5 and 6 were absconding.

3. Heard Sri Gulab Singh, 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 submitted that a false case was registered against the petitioner. The contraband was recovered not from house of the petitioner but from behind his 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. Hence, he prayed to enlarge the petitioner on bail.

5. On the other hand, learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that a commercial quantity of contraband dry ganja was recovered from his house. He also submitted that the petitioner was also involved in Crime No.417 of 2019 of PS, Dhoolpet.

6. Considering that only slightly more than the commercial quantity of dry ganja was recovered from the house of the

petitioner and as it was reported that he was not procuring the contraband dry ganja or supplying the same, but was assisting Accused No.3 for stocking the same in his house due to his financial problems and that he was in custody since 06.10.2024, 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.15,000/- (Rupees Fifteen Thousand only) each, with two sureties for a like sum each to the satisfaction of the learned I Additional Chief Judicial Magistrate, 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: 22.11.2024
gms

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