

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13897 of 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused No.6 in Crime No.162 of 2024 of Sujathanagar Police Station, Bhadradi Kothagudem District.

2. The brief facts of the case are that on 02.11.2024, at 10:30 hours, the complainant, SK Jubeda Begum, a police officer, apprehended accused A-1, Nunavath Srikanth, and JCL, Bhukya Arun, while transporting 83.595 kilograms of dry ganja worth Rs.20,89,875/-, along with three mobile phones, a Swift car, and screen shots of Phone Pay details. The accused confessed to receiving the dry ganja supply from A-3, Pandu Rio Sileru, with directions and funding from A-4, Mohan, and assistance from A-5, Pamgoth Sunil, and A-6, Praveen Kumar.

3. Heard Sri Vijay Kumar Goud, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon,

learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioner submitted that the petitioner is a businessman running NN Cars. He had rented a car to accused Nos.1 and 2 in good faith, unaware of their alleged illegal activities. He further submitted that the police implicated the petitioner as accused No.6 based on a car rental transaction and call logs. However, the petitioner is not the owner of the vehicle and had no knowledge of the alleged offence. Learned counsel contended that the FIR does not allege possession or transportation of drugs by the petitioner. As a permanent resident of Malkajgiri District with fixed assets, the petitioner is not a flight risk. The petitioner is the sole breadwinner for their family and is willing to furnish suitable security, cooperate with the investigation, and abide by any Court-imposed conditions. Therefore, he prayed the Court to grant pre-arrest bail to the petitioner by allowing this Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the investigation is not yet completed.

If the petitioner has granted pre-arrest bail, he will not co-operate with the investigating agency. Therefore, he prayed the Court to dismiss the criminal petition.

6. Considering the submissions made by both the learned counsel and a perusal of the material available on the record, this Court observes that the petitioner, a car rental business operator, had leased vehicles from various owners for rental purposes. Notably, the petitioner is not the registered owner of the subject vehicle implicated in the alleged offence. Furthermore, there are no prior criminal convictions or pending cases against the petitioner. In light of these circumstances, and considering the principles of bail enshrined in Section 438 of the Code of Criminal Procedure, 1973, this Court deems it fit to grant pre-arrest bail to the petitioner, subject to following conditions, to ensure his presence during the investigation and trial:

- i. The petitioner shall surrender before the Station House Officer of Sujathanagar Police Station, Bhadradi Kothagudem District, within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail

on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 11.12.2024
SAI

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