

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14177 of 2024

ORDER:

Seeking the Court to enlarge the petitioners who are arrayed as accused Nos.1 and 2 in C.O.R.No.347 of 2024 of Prohibition and Excise Police Station, Kothagudem, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 30.09.2024, the respondent along with his staff conducted a raid in the area shown in Column 2, where they detected a case involving ganja. They seized the contraband, as listed in Column 10, and prepared a panchanama. The seized property is being handled as described in Column 11. They arrested the accused individuals listed in Column 5 and produced them before the learned I Additional JFCM Court at Kothagudem for judicial remand.

3. Heard Sri B. Muralidhar, learned counsel appearing on behalf of the petitioners as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioners submitted that since the arrest of the petitioners on 30.09.2024, for allegedly transporting ganja, the seized contraband was of intermediate quantity, and there are no prior criminal records against them. He further submitted that the material part of the investigation has been completed. Given these circumstances, the counsel prayed for the court to grant bail to the petitioners by allowing this criminal petition.

5. Learned Additional Public Prosecutor opposed the bail application of the petitioners, stating that releasing them on bail poses a significant risk of evidence tampering. He further stated that the investigation is still ongoing and incomplete. Therefore, he requested the Court to dismiss the bail petition.

6. Considering the arguments presented by both the learned counsel and the material on record, this Court observes that the seized quantity constitutes an intermediate amount. Learned Additional Public Prosecutor opposed the bail application based on potential witness influence and evidence tampering, yet acknowledging the official nature of the witnesses and absence of evidence linking petitioners to other similar offenses, this Court deems it appropriate to grant bail to the petitioners with 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 learned I Additional Judicial Magistrate of First Class, Kothagudem.
 - ii. The petitioners 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 petitioners 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: 04.12.2024
SAI

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