

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14564 of 2024

ORDER:

Seeking the Court to enlarge the petitioners who are arrayed as accused Nos.1 and 2 in COR No.352 of 2024 of Bhadrachalam Prohibition and Excise Station, Bhadradri Kothagudem District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 27.09.2024, the Bhadrachalam Prohibition and Excise Police seized the contraband as the accused persons are buying and selling the contraband illegally to the general public in order to earn money in an ease manner and also registered a case vide COR No.352 of 2024 before the Bhadrachalam Prohibition and Excise Station, Bhadradri Kothagudem District, for the offences punishable under Section 8(c) read with 20(b)(ii)(B) of NDPS Act.

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

4. Learned counsel for the petitioners *firstly* submitted that the seized contraband is just Intermediate Quantity. He *secondly* submitted that all the material witnesses were examined, and further detention of the petitioners is unnecessary. He *thirdly* submitted that the petitioners have been in judicial custody since 29.09.2024, causing undue hardship to their families and that the allegations are false and fabricated. He *fourthly* submitted that the petitioners are residents of Malkangiri, Odisha State, with movable and immovable properties, and are willing to furnish sureties as directed. He *lastly* submitted that previously, bail application of the petitioner, *vide* CrI.M.P.No.1009 of 2024, was dismissed by the Special Sessions Judge for the Trial of cases under NDPS Act-Cum-I Additional Sessions Judge at Kothagudem, on 18.11.2024, without valid reasons and prayed the Court to grant bail to the petitioners by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that the investigation is not yet completed, therefore, granting bail to the petitioners, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and reviewing the record, since the seized contraband is

Intermediate Quantity and material part of investigation is completed, this Court deems it fit to grant bail to the petitioners 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 Judicial First Class Magistrate at Bhadrachalam.
- 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.(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: 10.12.2024
gms

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