

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.14903 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.3 in Crime No.258 of 2024 of Dhoolpet Prohibition and Excise Station, Hyderabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 13.11.2024, the Dhoolpet 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 Crime No.258 of 2024 before the Dhoolpet Prohibition and Excise Station, Hyderabad, for the offences punishable under Section 8(c) read with 20(ii)(B) of NDPS Act.

3. Heard Sri Umesh 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 *firstly* submitted that the petitioner is innocent and he is no way concerned with the

alleged offences. He *secondly* submitted that petitioner underwent left leg surgery on 03.11.2018 at Aarogyasri Health Care Trust, Jubilee Hills, Hyderabad and he is still undergoing the treatment. He *thirdly* submitted that the petitioner has been in judicial custody since 13.11.2024, causing undue hardship to his family. He *lastly* submitted that previously, bail application of the petitioner, *vide* Crl.M.P.No.5376 of 2024, was dismissed by the I Additional Sessions Judge, Hyderabad, on 29.11.2024, without valid reasons. Therefore, he prayed the Court to grant 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 petitioner is involved in one other crime with the similar offence and also the investigation is not yet completed, therefore, granting bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. Having regard to the submissions made by both the parties, it is apparent that the petitioner suffered with left leg fracture with left inter locking nailing and he is still undergoing treatment for the same. Since the petitioner is in

jail from 13.11.2024 and material part of the investigation is completed and the quantity involved in this case is 4.237 kgs which is intermediate quantity, 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.25,000/- (Rupees Twenty Thousand only) each, with two sureties for a like sum each to the satisfaction of the I Additional Chief Judicial Magistrate at 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: 10.12.2024

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