

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION NO.15293 OF 2024

This criminal petition is filed by the petitioner/A.2 seeking his enlargement on bail in connection with Cr.No.314 of 2024 of 2024 of Gopalapuram Police Station. The offences alleged against the petitioner are under Sections 20 (b) (ii) (B), 20 (b) (ii) (C) of Narcotic Drugs and Psychotropic Substances Act, 1985 r/w.Section 13 of Bharatiya Nyaya Sanhita, 2023.

2. The S.I. of Police, P.S.Gopalapuram conducted vehicle check on 07.09.2024, in view of the Ganesh Festival and at about 13.30 hours, he noticed one person aged about 58 years carrying one black colour backpack moving under suspicious circumstances at Railway Station car parking area and on seeing them, the said person tried to escape from the spot. Immediately, the S.I of Police along with his staff chased and apprehended him and he was found in possession of Ganja and Hash oil. They also recorded the confession statement and seized 2 Kgs of Ganja and 1 kg of Hash Oil from the possession of petitioner. Hence, a complaint was registered against the accused.

3. Heard Sri B.Srinivasa Rao, learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the respondent.

4. The contention of learned counsel for the petitioner is that petitioner is innocent of the offence and he has nothing to do with the alleged offence, he is a law abiding citizen. Petitioner is in judicial custody from 07.09.2024. Hence, prayed this Court to grant bail to the petitioner.

5. On the other hand, the learned Additional Public Prosecutor would submit that petitioner herein is also involved in other crime i.e., Cr.No.85 of 2019 for the same offence which is registered in Kozikode Railway Police, Kerala State. Further, he was in possession of 1 kg of Hash Oil which is a commercial quantity. As such, prayed this Court to dismiss this petition.

6. Having regard to the submissions made and the material placed on record, the petitioner herein is in jail from 07.09.2024 and the quantity seized is 2 Kgs of Ganja which is an intermediate quantity and 1 kg of Hash oil. Though, learned Additional Public Prosecutor stated that it is commercial quantity. However, considering the custody of petitioner in jail,

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 Five Thousand only) with two sureties for a like sum each to the satisfaction of the learned Sessions Judge, 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 482(2) of BNSS (previously known as 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 :26.12.2024
Rds

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