

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15002 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.2 in Crime No.133 of 2024 of Prohibition and Excise Station, Balanagar, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 24.09.2024, the Balanagar 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.133 of 2024 before the Prohibition and Excise Station, Balanagar, for the offences punishable under Section 8(c) read with 20(b)(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 seized contraband is slightly more than the Small Quantity. He *secondly* submitted that all the material

witnesses were examined, and further detention of the petitioner is unnecessary. He *thirdly* submitted that the petitioner has been in judicial custody since 20.11.2024, causing undue hardship to his family and that the allegations are false and fabricated. He *fourthly* submitted that the petitioner is resident of Dhoolpet, Hyderabad, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that previously, bail application of the petitioner, *vide* Crl.M.P.No.2066 of 2024, was dismissed by the I Additional Sessions Judge, Medchal Malkajgiri District at Kushaiguda, on 02.12.2024, without valid reasons and 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 investigation is not yet completed and the petitioner is also involved in other cases with the similar offences, therefore, granting bail to the petitioner, 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 slightly more than the Small Quantity and material part of

investigation is completed, 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) each, with two sureties for a like sum each to the satisfaction of the II Additional Chief Judge-Cum-XIII Additional Judicial Magistrate Court at Kukatpally.
- 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: 16.12.2024
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