

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15163 of 2024

ORDER:

Seeking the Court to enlarge the petitioners who are arrayed as accused Nos.1 and 2 in Crime No.255 of 2024 of Yacharam Police Station, Rachakonda, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 22.08.2024, the Yacharam 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.255 of 2024 before the Yacharam Police Station, Rachakonda, for the offences punishable under Section 8(c) read with 20(b)(ii)(C) of NDPS Act

3. Heard Sri Sundaresan, 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 petitioners are innocent and they are no way concerned with the alleged offences. He *secondly* submitted that no criminal antecedents are pending against these petitioners. He *thirdly* submitted that the petitioners have been in judicial custody since 22.08.2024, causing undue hardship to their families. He *fourthly* submitted that the petitioners are residents of Alluri Sitharamaraju District, Andhra Pradesh State, with movable and immovable properties, are willing to furnish the sureties as directed. He *lastly* submitted that material part of the investigation is completed 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 accused No.1 is involved in one other crime with the similar offence and also 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. Having regard to the submissions made by both the parties, it is apparent that petitioner No.1/accused No.1 is involved in other cases with similar offences. Pertinently, the material part of the investigation is completed. As such, this Court is of the considered opinion that petitioner No.1/accused No.1 is not entitled for the bail. However, since petitioner No.2/accused No.2 is languishing in jail from 22.08.2024 without there being any criminal antecedents pending against him, this Court deems it fit to grant bail to petitioner No.2/accused No.2 subject to the following conditions:

- i. The petitioner No.2/accused No.2 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 XVI Additional Metropolitan Magistrate at Ibrahimpatnam, Ranga Reddy District.
- ii. The petitioner No.2/accused No.2 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 No.2/accused No.2 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 partly allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 23.12.2024

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