

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15544 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.4 in Crime No.305 of 2021 of Abdullapurmet Police Station, Rachakonda, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 22.09.2021, the Abdullapurmet 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.305 of 2021 before the Abdullapurmet Police, Rachakonda, for the offences punishable under Section 8(c) read with 20(b)(ii)(c) of the NDPS Act. It is stated that since the petitioner/accused No.4 is absconding at the time of filing of charge sheet, SC NDPS No.149 of 2022 was filed before the Metropolitan Sessions Judge, Cyberabad, L.B.Nagar at Ranga Reddy District, against accused Nos.1 to 3, 5.

3. Heard Sri Sanjeeva Reddy, 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 also standing on the same footing of accused Nos.3 and 5, who are acquitted. 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 19.09.2024, causing undue hardship to his family and that the allegations are false and fabricated. He *fourthly* submitted that the petitioner is resident of Kattangur Mandal, Nalgonda District, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that previously, bail application of the petitioner, *vide* CrI.M.P.No.2448 of 2024, was dismissed by the Metropolitan Sessions Judge, Ranga Reddy District at L.B.Nagar, on 04.12.2024, 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 petitioner also played active role in the crime, 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 crime is pertaining to the year 2021 and the petitioner is also standing on the same footing of accused Nos.3 and 5, who are acquitted by the trial Court in SC NDPS No.149 of 2022, 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 XIV Additional Metropolitan Magistrate, Cyberabad at Hayathnagar.
- 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. If charge sheet is filed against the petitioner, he shall cooperate with the trial proceedings by appearing before the concerned Court whenever his presence is 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: 24.12.2024
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