

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.15652 of 2024

ORDER:

Seeking the Court to enlarge the petitioner in COR No.235 of 2024 of Prohibition and Excise Andole at Jogipet, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 26.10.2024, the Prohibition and Excise Police, Andole at Jogipet conducted raid in agricultural lands, wherein they have detected illegal cultivation of 17 ganja plants and possession of 16 kgs of dry ganja and arrested the petitioner on 26.10.2024 seized the contraband and also registered a case vide COR No.235 of 2024 before the Prohibition and Excise Police, Andole at Jogipet, for the offences punishable under Section 8(b) read with 20(a), 20(b) (i) of NDPS Act 1985 and Section 8(c) read with 20(b) (ii) (C) of NDPS Act, 1985.

3. Heard Sri K.Mohan Chandra, 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 though there is no corroborative evidence to prove the alleged offences, the petitioner was implicated in the case with false and fabricated allegations. He *secondly* submitted that the

petitioner is innocent and he is no way concerned with the alleged offences. He *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *fourthly* submitted that the contraband seized is not a commercial quantity and it is only intermediate quantity and the petitioner has been in judicial custody since 26.10.2024, causing undue hardship to his family. He *fifthly* submitted that the petitioner is resident of Usirikapally village, Watpally Mandal, Sangareddy 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* Crl.M.P.No.1253 of 2024, was dismissed by the I Additional District and Sessions Judge at Sangareddy, 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 bail petition as the investigation is not completed and reported that there are no other cases arising against this petitioner and prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and reviewing the record, since the petitioner/accused is languishing in jail from 26.10.2024 and there are no criminal antecedents pending against the petitioner and the

contraband seized is of 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 Five Thousand only) each, with two sureties for a like sum each to the satisfaction of the Additional Judicial Magistrate of First Class, Andole at Jogipet.
- 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
BV

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