

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16043 of 2024

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.5 in Crime No.111 of 2024 of Zaheerabad Rural Police Station, Sangareddy District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 15.09.2024, at approximately 2:30 p.m., Sub Inspector of Police, Zaheerabad Rural, apprehended accused No.1 in possession of 5 kg 144 grams of dry ganja at Shalimar Hotel, Shirisha Ventures, on the outskirts of Huggelli Village. Following the seizure, a case was registered under Section 8(c) read with 20(b)(ii)IB) of the NDPS Act, 1985. Accused No.1 confessed that accused Nos.2 to 5 assisted in transporting dry ganja from Bidar town, Karnataka, to Zaheerabad for sale to make easy money. Aggrieved by the same, the petitioner/accused No.5 filed the present criminal petition.

3. Heard Sri P. Tarun Patel, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon,

learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioner submitted that since the arrest of the petitioner on 08.11.2024, for allegedly transporting ganja, the seized contraband was of intermediate quantity, and there are no prior criminal records against him. He further submitted that the material part of the investigation has been completed. Given these circumstances, the counsel prayed for the court to grant bail to the petitioner by allowing this criminal petition.

5. Learned Additional Public Prosecutor opposed the bail application of the petitioner, stating that releasing him on bail poses a significant risk of evidence tampering. He further stated that the investigation is still ongoing and incomplete. Therefore, he requested the Court to dismiss the bail petition.

6. Considering the arguments presented by both the learned counsel and the material on record, this Court observes that the seized quantity constitutes an intermediate amount. Learned Additional Public Prosecutor opposed the bail application based on potential witness influence and evidence tampering, yet acknowledging the official nature of the witnesses and absence

of evidence linking petitioner to other similar offences, this Court deems it appropriate to grant bail to the petitioner with the following conditions:

- i. The petitioners 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 learned Judicial Magistrate of First Class, Zaheerabad, Sangareddy District.
- 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.

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 31.12.2024
SAI

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