

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.1621 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused in Crime No.162 of 2024 of Sujathanagar Police Station, Bhadradri Kothagudem District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 02.11.2024, the Sujathanagar 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.162 of 2024 before the Sujathanagar Police, Bhadradri Kothagudem District, for the offences punishable under Sections 8(c) read with 20(b)(ii)(c), 27(A), 29 of the NDPS Act and Section 78 of the JJ Act.

3. Heard Sri R.Mangulal, 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-State.

4. Learned counsel for the petitioner *firstly* submitted that the petitioner is innocent and he is no way concerned with the

alleged offences. He *secondly* submitted that though there is no corroborative evidence, the petitioner was implicated in the case with false and fabricated allegations. He *thirdly* submitted that the petitioner is student and except the allegation that the petitioner engaged the vehicle for transporting the seized contraband, there are no other specific allegations against the petitioner. He *fourthly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *fifthly* submitted that the prime accused in this crime was already granted bail by the trial Court. He *sixthly* submitted that the petitioner has been in judicial custody since 10.11.2024, causing undue hardship to his family. He *lastly* submitted that the petitioner is resident of Yadadri Bhongiri District, with movable and immovable properties, and is willing to furnish sureties as directed 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 seized contraband is commercial quantity and also the investigation is not completed, 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, it is apparent that the petitioner is student and apart from taking care of his ill-health mother, he has to appear for his exams. Pertinently, except the allegation that the petitioner engaged the vehicle for transporting the seized contraband, there are no other specific allegations levelled against the petitioner and also prime accused in this crime was already granted bail by the trial Court. It is noteworthy that without there being any incriminating evidence, the petitioner was implicated in the case and there are no other criminal antecedents pending against the petitioner. Hence, since the petitioner is languishing in jail from 10.11.2024 and also 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 Judicial First Class Magistrate Court at Kothagudem.
- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8)

week or till filing of charge sheet whichever is earlier, 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: 20.02.2025
gms

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