

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.16083 of 2024

ORDER:

Seeking the Court to enlarge the petitioners who are arrayed as accused Nos.1 and 2 in Crime No.162 of 2024 of Prohibition and Excise Station, Balanagar, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 04.12.2024, the Balanagar Prohibition and Excise 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 Prohibition and Excise Station, Balanagar, for the offences punishable under Section 8(c) read with 20(b)(ii)(B) of NDPS Act.

3. Heard Sri M.Amarnath, 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 seized contraband is just Intermediate Quantity. He

secondly submitted that the petitioners are innocent and they are no way concerned with the alleged offences. He *thirdly* submitted that all the material witnesses were examined, and further detention of the petitioners is unnecessary. He *fourthly* submitted that the petitioners have been in judicial custody since 04.12.2024, causing undue hardship to their families. He *fifthly* submitted that the petitioners are residents of Balanagar, Medchal-Malkajgiri District, with movable and immovable properties, and are willing to furnish sureties as directed. He *lastly* submitted that previously, bail application of the petitioners, *vide* Crl.M.P.No.2179 of 2024, was dismissed by the I Additional Sessions Judge, Medchal Malkajgiri District at Kushaiguda, on 19.12.2024, without valid reasons. In support of his submissions, he placed reliance on the Judgment of the Apex Court in the case of ***Vijay Singh v. The State of Haryana***¹ 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 the petitioners are habitual offenders and also the investigation is not yet completed, therefore,

¹ Petition(s) for Special Leave to Appeal (Crl.) No(s).1266/2023

granting bail to the petitioners, 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 seized contraband is Intermediate Quantity and the petitioners are languishing in jail from 04.12.2024 and also material part of investigation is completed, this Court deems it fit to grant bail to the petitioners subject to 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 II Additional Junior Civil Judge-Cum-XIII Additional Metropolitan Magistrate at Kukatpally, Medchal Malkajgiri District.
- ii. The petitioners 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 petitioners 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: 03.01.2025

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