

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.23 of 2025

ORDER:

Seeking the Court to enlarge the petitioner who is arrayed as accused No.1 in Crime No.243 of 2024 of Kesamudram Police Station, Mahabubabad, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 01.11.2024, the Kesamudram 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.243 of 2024 before the Kesamudram Police, Mahabubabad, for the offences punishable under Section 8(c) read with 20(b) of NDPS Act.

3. Heard Sri K.Chandra Shekar 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 seized contraband is just Intermediate Quantity. 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 all the

material witnesses were examined, and further detention of the petitioner is unnecessary. He *fourthly* submitted that the petitioner has been in judicial custody since 01.11.2024, causing undue hardship to his family. He *fifthly* submitted that the petitioner is resident of Gajapati District, Odisha State, 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.473 of 2024, was dismissed by the Special Sessions Judge for Trial of Cases for the offences under Narcotic Drugs and Psychotropic Substances Act-Cum-Principal Sessions Judge at Mahabubabad, on 19.12.2024, 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 investigation is not yet 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, since the seized contraband is Intermediate Quantity and the petitioner is languishing in jail from 01.11.2024 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 Special Judge for Trial of Cases for the Offences under Narcotic Drugs and Psychotropic Substances Act-Cum-Principal Sessions Judge at Mahabubabad.
- 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: 09.01.2025
gms

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