

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2784 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners – Accused Nos.2 and 4 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release them on regular bail in connection with Crime No.1083 of 2023 on the file of Rajendranagar Police Station, Cyberabad, registered for the offences punishable under Section 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).

2. The case of the prosecution in brief was that on 29.10.2023 at 14:30 hrs, the Detective Inspector of Police of Rajendranagar Police Station lodged a report stating that on credible information about transportation of contraband ganja, he proceeded to ORR Exit No.17, Himayathsagar, Rajendranagar and at about 6:00 hours noticed a White Maruthi Ertiga Car of Odisha Registration Number coming from Chowdamma Temple, Kothwalguda side proceeding towards Rajendranagar and stopped the car. He found three male persons, one female person and two minor girls as occupants of the car. On enquiry, they disclosed their details and

while checking the car found 35.220 Kgs of dry ganja in the car dickey. As such, seized the contraband along with car and net cash of Rs.6,000/-, four Smart Phones and One Keypad of Nokia Cell Phone from their possession under the cover of confession-cum-seizure panchanama and brought the accused persons along with seized contraband to the police station and lodged the report.

3. Basing on the said report, the above crime was registered. The petitioners/accused Nos.2 and 4 were arrested on the same day on 29.10.2023 and their two minor children were handed over to their family members.

4. Heard the learned counsel for the petitioners-Accused Nos.2 and 4 and the learned Additional Public Prosecutor for the respondent-State.

5 Learned counsel for the petitioners submitted that the petitioners were not connected with the alleged offences. Both the petitioners/Accused Nos.2 and 4 were wife and Husband and the two minor children belonged to them. They were not connected with the seized contraband and were in judicial custody for the past 122 days and prayed to enlarge the petitioners on bail.

6. Learned Additional Public Prosecutor opposed stating that a commercial quantity of dry ganja was seized from the car of the petitioners in which they were travelling and the petitioners belonged to the State of Odisha, if they were released on bail, it might be difficult to produce them for trial and prayed to dismiss the petition.

7. Perused the record.

8. Considering that the petitioner No.1/accused No.2 was the owner cum driver of the car from which a commercial quantity of the contraband was seized, it is considered not a fit case to enlarge the petitioner No.1/accused No.2 on bail. However, considering that the petitioner No.2/Accused No.4 is a women and that she was in custody for the past six months in Central Prison, Chenchalguda, Hyderabad and she was also away from her two children, out of which, one was nine months old baby girl and considering the submissions of the learned Assistant Public Prosecutor that the entire investigation was completed and charge-sheet was filed on 23.02.2024, it is considered fit to enlarge the petitioner No.2/accused No.4 on bail.

9. Accordingly, the Criminal Petition is partly allowed and the petitioner No.2 – accused No.4 shall be released on regular bail subject to the following conditions:

- i) The petitioner No.2/Accused No.4 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for a like sum each to the satisfaction of the learned XI Additional Metropolitan Magistrate, Cyberabad at Rajendranagar.
- ii) The petitioner No.2/Accused No.4 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date:13.03.2024
dgr