

[2586]

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD.**

WEDNESDAY, THE TWENTY NINTH DAY OF MAY
TWO THOUSAND AND NINETEEN



:PRESENT:

**THE HONOURABLE SRI JUSTICE P NAVEEN RAO
CRIMINAL PETITION NO: 2698 OF 2019**

Between:

Islavath Santosh, Son of Venkanna,

Petitioner/Accused No.4

AND

State of Telangana, Represented by its Public Prosecutor, High Court
Buildings, Hyderabad

Respondent/Complainant

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in the Ground filed in the Criminal Petition, the High Court may be pleased to enlarge the petitioner/ Accused No.4 on bail in Crime No.84/2019, on the file of Police Station Khammam Rural dated 21.02.2019

Counsel for the Petitioner: SRI N.MURALI MANHOHAR REDDY

Counsel for the Respondent : PUBLIC PROSECTUOR

ORDER:

HON'BLE SRI JUSTICE P.NAVEEN RAO

CRIMINAL PETITION No.2698 of 2019

ORDER :

The petitioner, who is Accused No.4, filed the present application under Sections 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in Crime No.84 of 2019, registered for an offence punishable under Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The facts on record would disclose that on 21.02.2019 at about 10.00 a.m., the Sub-Inspector of Police, Khammam Rural, along with his staff, while conducting vehicle check at Mulakalapalli X Road at Khammam Rural and Mandal, noticed an auto bearing No.TS 26T 1506 and Glamour Motorcycle and seized huge quantity of ganja from accused Nos.1 to 4. The petitioner is the owner of the auto in which A3 was travelling from whom 24 Kgs. of ganja in six bundles was recovered. The earlier bail applications filed by the petitioner were rejected.

3. According to the learned counsel for the petitioner, the petitioner was the owner of the passenger auto and he could not know what was carried by the passenger and he was taking the passenger with a bonafide intention. Merely because ganja was seized from the passenger, petitioner cannot be held liable and on that ground the petitioner cannot be detained. According to him, the petitioner is in custody from 21.02.2019 onwards. Investigation is completed and the matter is pending at the stage of receiving report from the F.S.L. In view of the same, there is no justification to continue the petitioner in custody.

4. Learned Additional Public Prosecutor would submit that as ganza was seized from the vehicle of the petitioner, he is equally liable and as the F.S.L. report is yet to be received and investigation could not be completed, police requires the custody of the petitioner. According to the learned Additional Public Prosecutor, if the petitioner is released, he may indulge in similar activities.

5. From the facts noted above, this Court is inclined to enlarge the petitioner on bail, subject to the following conditions:

i. "The petitioner/A4 is directed to be enlarged on bail upon his furnishing the personal bond to a sum of Rs.10,000 (rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the learned II Additional Judicial Magistrate of First Class, Khammam.

ii. The petitioner shall report before the Station House Officer, Khammam Rural Police Station, on every Sunday between 10.00 a.m., and 11.00 a.m."

6. Accordingly, the Criminal Petition is allowed.

Sd/- K.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The II Additional Judicial First Class Magistrate, Khammam
2. The Superintendent District Jail, Khammam
3. The Station House Officer, Khammam Rural Police Station.
4. One CC to SRI. N MURALI MANOHAR REDDY Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of State at Hyderabad. [OUT]
6. One Spare Copy

GR

HIGH COURT

PNRJ

DATED:29/05/2019

ORDER

CRLP.No.2698 of 2019

BAIL

