

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

**MONDAY, THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 7921 OF 2022

Between:

Mohammad Khammar, S/o Abbas, Aged 41 years, Occ. Business, R/o.
Mittapali village, Thallada Mandal, Khammam District.

...PETITIONER/ACCUSED No.1

AND

The State of Telangana, Rep. by its Public Prosecutor, High Court at
Hyderabad.

...RESPONDENT/DEFACTO-COMPLAINANT

Petition under Section 437 & 439 of Cr.P.C praying that in the
circumstances stated in the Memorandum of Grounds of Criminal Petition, the
High Court may be pleased to enlarge the petitioner on bail in Cr. No. 78 of 2022
of Tekulapally Police Station.

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri Nandigam
Krishna Rao ,Advocate for the Petitioner and of the Public Prosecutor for the
State of Telangana on behalf of the Respondent No. 1.

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.7921 OF 2022

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 seeking to enlarge the petitioner/accused No.1 on bail in connection with Crime No.78 of 2022 pending on the file of Tekulapalli Police Station, Bhadrachalam District, registered for the offences punishable under Sections 8(c) and 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "N.D.P.S.Act, 1985").

2. The case against the petitioner is that he was found in possession of 78.5 Kgs. of Ganja, while transporting the same in Maruthi Omni Van bearing registration No.TS-04/EQ-5027. The said Ganja was seized by Tekulapalli Police on 29.05.2022. After following the procedure prescribed under N.D.P.S.Act, 1985, the samples of contraband was sent to Forensic Science Laboratory.

3. Learned counsel for the petitioner submits that the petitioner/accused No.1 is driver-cum-owner of the vehicle and he is unaware of the contraband, which he was transporting at the instance of accused No.2.

4. Since the case is under investigation and the contraband seized is above commercial quantity, this Court is not inclined to grant bail to the petitioner/accused No.1 at this juncture. However, the petitioner/accused No.1 is at liberty to move bail application under changed circumstances.

5. Accordingly, the Criminal Petition is disposed of.

6. Pending miscellaneous applications, if any, in this criminal petition, shall stand closed.

//TRUE COPY//

Sd/- K. SHYLESI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Judicial 1st Class Magistrate at Yellandu, Khammam District.
2. SHO, Telulapally Police Station, Bhadrachalam, Kothagudem District
3. Two CCs to Public Prosecutor [OUT]
4. One CC to M/s Sri Nandigam Krishna Rao, Advocate [OPUC]
5. Two CD Copies

VH

HIGH COURT

KSJ

DATED: 31/10/2022

ORDER

CRLP.No.7921 of 2022



Criminal Petition is disposed of.

⑦ VW
12/12/22