

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION Nos. 4679 and 4719 of 2023

COMMON ORDER:

Since both the Criminal Petitions are filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973, by the petitioners/accused No.4 and 5 seeking to grant bail in Crime No. 50 of 2023 of Kulsumpura Police Station, Hyderabad District, which was registered for the offences punishable under Section 8 (c), 20 (c) and 29 of the N.D.P.S.Act, 1985 (for short “the Act”) they are being disposed of by this common order.

2. The case of the prosecution is that accused No.1 is the owner of Ganesh Pharmaceuticals situated in Sultan Bazar, Koti, Hyderabad and he used to sell the Alprazolam Tablets without any prescription and he found profitable business and asked the other accused to sell the Alprazolam Tablets, which is originally meant for medication having seen the good demand. At the instance of accused No.1, who supplied the Alprazolam Tablets, the other accused used to sell the same to the consumers and while selling so, the offence was detected and both the petitioners were found in possession of 10 boxes of Alprazolam Tablets, each box containing 600 tablets total 6,000 tablets weighing 0.6 kg.

3. The contention of the learned counsel for the petitioners is that accused No.1 was granted bail by the Court below and accused No.3, who was in possession of 40 boxes unlike 10 boxes held by the petitioners/accused Nos.4 and 5, was granted bail by this Court in Criminal Petition No.4654 of 2023, dated 11.05.2023.

4. Learned Public Prosecutor opposed the bail application.

5. Since accused Nos.1 and 3 were granted bail, who are facing serious charges than the petitioners, the said benefit cannot be deprived to these petitioners. In the said circumstances, this Court is inclined to allow both the petitions.

6. Accordingly, both the Criminal Petitions are allowed and the petitioners/accused No.4 and 5 shall be released on bail on the following terms and conditions:

(i) The petitioners/accused Nos.4 and 5 shall be enlarged on bail on their executing personal bond for an amount of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties for a like sum each to the satisfaction of the learned I Additional Metropolitan Sessions Judge, Hyderabad. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in

the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.

(ii) The petitioners/accused Nos.4 and 5 shall report before the Station House Officer, Kulsumpura Police Station, on every Monday between 10.30 AM and 12.00 PM till filing of final report.

(iii) The petitioners/accused Nos.4 and 5 should not involve in any unlawful activity.

(iv) The petitioners/accused Nos.4 and 5 should afford all assistance for proper investigation of the case.

(v) The petitioners/accused Nos.4 and 5 should not cause the evidence of the offence disappear.

(vi) The petitioners/accused Nos.4 and 5 should not tamper with the evidence in any manner.

(vii) The petitioners/accused Nos.4 and 5 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.

(viii) In case the petitioners/accused Nos.4 and 5 hold passports, they shall surrender the same if the same are not seized till now.

(ix) The petitioners/accused Nos.4 and 5 should ensure their presence whenever required by the Court or Police.

(x) The petitioners/accused Nos.4 and 5 shall not leave India without previous permission of the Court concerned.

(xi) The petitioners/accused Nos.4 and 5 shall file an affidavit before the Court concerned disclosing the following particulars:-

(1) Contact number

(2) Mail address

(3) Residential particulars.

In case, there is any change in the afore-mentioned details, the petitioners shall intimate the Court concerned by giving fresh affidavit duly mentioning the change. He shall continue to do so till filing of the final report. Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail granted.

JUSTICE M. LAXMAN

25.05.2023
gkv/Pld

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CRIMINAL PETITION Nos. 4679 and 4719 of 2023

Date: 25.05.2023

gkv/Pld