

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.14044 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.1 under Sections 480 & 483 of BNSS for grant of regular bail in Crime No.116 of 2024 of Warangal Railway Police Station, Secunderabad Railway Police District, Telangana State, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act (for short “NDPS Act”), 1985.

2. The case of the prosecution in brief was that on 12.08.2024 at 18:30 hours, the Assistant Sub-Inspector, Railway Protection Force, Warangal Post lodged a report stating that while he along with his staff was checking on platform No.2 of Warangal Railway Station, he found the accused person with a trolley suit case, luggage bag and shoulder bag under suspicious circumstances. On checking the bags, found dry ganja of about 36.23 kgs. On enquiry with A1, A1 stated that he along with his friend Parasuram was transporting ganja from Chatrapur of Odisha State to Dadar of Maharashtra State by train No.11020, Konark Express and got reserved the train tickets and were proceeding to Maharashtra. But, as the police

were checking the train, afraid of them, they both alighted from the train with their belongings and Parasuram escaped from the said place. Police effected the arrest of the petitioner – Accused No.1 and produced him before the Court.

3. Heard the learned counsel for the petitioner – Accused No.1 and the learned Additional Public Prosecutor for the respondent – State.

4. Learned counsel for the petitioner – Accused No.1 submitted that the petitioner was in custody since 13.08.2024 for the past more than three (03) months. Police registered the case against him for statistical purpose and had not followed the mandatory provisions under Sections 42 and 50 of NDPS Act, 1985 and prayed to enlarge the petitioner – Accused No.1 on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that a commercial quantity of dry ganja was seized from the possession of the petitioner – Accused No.1.

6. Considering the facts and circumstances of the case and as the petitioner was in custody since 13.08.2024 for the past more than three (03) months and his guilt or innocence could be decided only after a full-fledged trial, it is considered fit to enlarge the petitioner – Accused No.1 on bail.

7. In the result, the Criminal Petition is allowed directing the petitioner – Accused No.1 to be released on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the learned Judicial First Class Magistrate for Railways at Kazipet. The petitioner – Accused No.1 shall comply with the conditions laid down under Section 480(3) of BNSS.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G. RADHA RANI, J

Date: 29th November, 2024
Nsk.