

IN THE COURT OF THE METROPOLITAN SESSIONS JUDGE :: HYDERABAD

Dated this the 15<sup>th</sup> day of February, 2024

Present: Smt. S. Premavathi  
Metropolitan Sessions Judge,  
Hyderabad.

**CRIMINAL MISCELLANEOUS PETITION NO. 619/2024**  
**IN**  
**CRIME NO. 240/2023 OF PS FILM NAGAR, HYDERABAD**

**BETWEEN:**

Ogbaugu David Uka @ Uka @ Pastor Davison @ Iwu (Nigeria National) S/o Uka, Aged 60 years, Occupation : Interior Decorator & (Drug Supplier) R/o. H.No. 18, 1<sup>st</sup> Floor Rainbow Layout, Venkateshwara Vederakalli, Bangalore presently residing at E-77, 1<sup>st</sup> Main Road, 2<sup>nd</sup> Cross, Singaiahna Palya, Bangalore, Karnataka, N/o. Amure Nkporo, No. Okwuabgo Abia State, Lagos, (Okwuabgo Iwaya, Lagos State, Nigeria)

.....Petitioner/Accused

AND

The State of Telangana, Through PS Film Nagar, Hyderabad.

.....Respondent/Complainant

This petition is filed by the petitioner under Section 167(2) of Cr.P.C. praying that for the reasons stated therein to grant mandatory bail to the petitioner.

This petition is coming before me for hearing upon perusing the petition and upon hearing the arguments of Sri Afzaluddin Dakhani Advocate for the petitioner, and of Smt. P. Shailaja, Public Prosecutor for the State, this Court made the following:-

**:: ORDER ::**

1. This petition is filed under section 167(2) of CrPC for grant of mandatory bail to the petitioner/Accused.
2. The case of the prosecution in brief is that on 17.08.2023 at about 06.25 hours at Brindavan Colony, Tolichowki, Hyderabad, the accused was found in possession of 264 Ecstasy (MD) Pills weighing about 115 grams. Hence, the accused committed an offence punishable under section 8(c) read with 22(c), 29 of NDPS Act.
3. Heard both sides counsel.
4. The learned counsel for the petitioner/Accused submitted that the petitioner/accused is in judicial custody since 17.08.2023, as such entitled for mandatory bail as the police has not filed charge sheet in this case. Hence, prayed to grant mandatory bail to the petitioner/Accused.
5. The learned Public Prosecutor confirmed that charge sheet is not filed.

6. The point that arises for determination is “Whether the petitioner/Accused is entitled for grant of mandatory bail?”

**POINT:-**

7. The above case was registered for the offence under Section 8(c) read with 22(c), 29 of NDPS Act. The petitioner/Accused is in remand since 17.08.2023. But, admittedly no charge sheet is filed even after lapse of statutory period of 180 days of remand of the petitioner, as such the petitioner/Accused is entitled for bail when the investigating officer is not filed the charge sheet within the stipulated period. Hence, this point is answered in favour of the petitioner/Accused.

8. **In the result**, the petition is allowed, on the following conditions:-

- 1) The petitioner/Accused shall be released on bail on executing his personal bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of this Court.
- 2) The petitioner/Accused shall furnish his residential addresses, contact numbers and changes, if any, from time to time to the SHO, Film Nagar PS, Hyderabad, for securing his presence in judicial process.
- 3) The petitioner/Accused shall not leave the country without prior permission of the court, shall not tamper with the prosecution witnesses, shall co-operate with the investigating agency and shall not misuse the liberty granted to him.
- 4) If the petitioner/Accused fails to appear before the court for judicial process without leave of the court and in the event of issuance of Non-Bailable Warrants, this bail stands automatically cancelled and the self and surety bonds will be forfeited.

*Typed on my dictation by the Stenographer Gr-I, corrected and pronounced by me in the open Court, on this the 15<sup>th</sup> day of February, 2024.*

Sd/-  
METROPOLITAN SESSIONS JUDGE  
HYDERABAD.