

ORDER ON THE BAIL APPLICATION OF ACCUSED
No.4

The accused No.4 Smt.Mubeena @ Mubeen Taj, who is in judicial custody in this case since 25.08.2025, has filed this application under Section 483 of BNSS seeking regular bail, for the offence punishable under Section 20(a) (b) of NDPS Act.

2. In brief, the case of the prosecution is as under:

On 07.04.2023 while the complainant/Sub-Inspector of Police, Gulpet Police Station was on patrolling duty along with his police personnel, at about 03:00 p.m., he received credible information about transportation of Ganja by an unknown person on Kodikannuru tank bund road. Immediately he secured the presence of panchs and rushed towards the spot around 04:00 p.m. At the spot the police noticed 4 persons coming on 2 two wheelers, but on seeing the police the persons on one two wheeler fled away from the spot. However, the police managed to catch one person on another two wheeler, who was holding a bag with him and another person, who was the pillion rider of said two wheeler had also fled away from the spot. On suspicion he was apprehended and inquired. On inquiry he has disclosed his name and address, who is accused No.1 in this case on hand. On further inspection the complainant police noted total 2 kg., 360 grams of Ganja in the possession of accused No.1. On enquiry the accused No.1 revealed the names of the persons, who fled away from the spot. During enquiry the accused No.1 confessed about commission of alleged offence along with accused Nos.2 to 4. Based on the report filed by the

complainant a case was registered against the accused Nos.1 to 4 and after completion of investigation charge sheet has been filed against accused Nos.1 to 4 for the offence stated above. In the charge sheet this accused No.4 is shown as absconding. On issuance of NBW, the accused No.4 was arrested and produced before the Court on 25.08.2025 and remanded to judicial custody. Since then she is in judicial custody.

3. It is contended by the accused No.4 that she is innocent; never committed the alleged offence and she has been falsely implicated. She is having permanent abode in the given address. She is having dependents to look after. She is a diabetic patient and she is suffering from high blood pressure. The other accused persons are already enlarged on bail. She is ready to offer surety. She is ready to abide by conditions imposable by this Court. Therefore, it is prayed to release her on bail.

4. The learned Public Prosecutor has filed objection opposing the bail application, contending that on the material date, time and place the accused No.4 along with other accused persons was illegally transporting Ganja and among the accused persons, the accused No.1 was caught red handed and confessed about commission of offence along with accused Nos.2 to 4. There is prima-facie material on record to show the involvement of this accused No.4 in the alleged crime.

5. Heard arguments and perused the records.

6. The sole point that arises for my consideration is

“Whether accused No.4 is entitled for regular bail”?

7. My finding on the above point is in the **affirmative**, as per final order, for the following:

REASONS

8. As per the list of articles and case of prosecution, the total Ganja seized in the present case is 2 kg., 360 grams, which is intermediate quantity and as such, special provision of Section 37 of NDPS Act has no application to the case on hand. Based on the confession statement of accused No.1, the name of this accused No.4 has been inserted in the case on hand. Charge sheet is filed showing this accused No.4 as absconding. Later, the accused No.4 was arrested and produced before the Court on 25.08.2025 and remanded to judicial custody. In the case on hand after completion of investigation charge sheet has been filed. Hence, custodial interrogation of accused No.4 is not required. The rest of the accused persons are on bail. The accused No.4 is a married lady, having husband and children. The accused No.4 appears to have permanent abode in the given address and as such, her presence can be ensured at any time before the Court imposing conditions. Apprehension of prosecution can be met with by imposing suitable conditions. In the case on hand benefit of parity ground can be extended in favour of accused No.4. Therefore, it is a fit case to enlarge the accused No.4 on regular bail. Accordingly, I answer point under reference in the affirmative and proceed to pass following:

ORDER

The application filed by accused No.4 under Section 483 of BNSS is “allowed”.

The accused No.4 is released on bail in this case, on executing her personal bond for a sum of Rs.1,00,000/- with two sureties for the likesum to the satisfaction of this Court and on the following conditions:

1. The accused No.4 shall not threaten or tamper with the prosecution witnesses and documents either directly or indirectly;
2. She shall appear before the Court on all the dates of hearing regularly unless her presence is exempted for valid reasons and co-operate for speedy disposal of the case; and
3. She shall not directly or indirectly indulge with any criminal activities including the act, which prohibits under NDPS Act.

Call on by

Sd/-

PRL. DISTRICT & SESSIONS JUDGE, KOLAR.