

IN THE COURT OF THE SESSIONS JUDGE :: HYDERABAD

Dated this the 20th day of September, 2024

Present: Sri. B. Suresh,
Sessions Judge,
Hyderabad.

CRIMINAL MISCELLANEOUS PETITION NO. 4425/2024
IN
CRIME NO. 131/2024 OF PS PANJAGUTTA, HYDERABAD

BETWEEN:

Antonia Obinna @ Okra @ Anthony @ Rafeel,
S/o. Nwadior Obinna, Aged 30 Years,
Occupation: Private employee, R/o. Goa,
India, N/o. Nigeria.

.....Petitioner/Accused No.13

AND

The State of Telangana, Through PS Panjagutta, Hyderabad.

.....Respondent/Complainant

This petition is filed by the petitioner under Section 167(2)(a)(i) 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 Mohd Afzaluddin, Advocate for the petitioner, and of Sri K. Durgaji, FAC Public Prosecutor for the State, this Court made the following:-

:: ORDER ::

1. This petition is filed under section 167(2)(a)(i) of CrPC. for grant of mandatory bail to the petitioner/A13.
2. The case of the prosecution in brief is that on 05.02.2024 at about 1330 hours, near Errammanzil Metro Rail Station, Panjagutta, Hyderabad, the accused No. 1 was found in possession of 557 grams of Cocaine, 397 grams of Ecstasy pills and 21 grams of Heroine, 45 gramsof OG Weed Ganja, 3 grams of LSD Blots, 215 grams of Charas, 7 grams of Amphetamine, 190 grams of Ganja with connivance of other accused. Hence, the petitioner/A13 along with other accused have committed an offence punishable u/Sec. 8(c) r/w.20(b)(ii)(A), 21 (b) & (c), 22(b) & (c), 29 of NDPS Act.
3. Heard both sides.
4. The learned counsel for the petitioner/A13 submitted that the petitioner/A13 is in judicial custody since 19.03.2024, 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/A13.

5. The learned Public Prosecutor confirmed that charge sheet is not filed.

6. The point that arises for determination is "Whether the petitioner/A13 is entitled for grant of mandatory bail?"

POINT:-

7. The above case was registered for the offence under Section 8(c) r/w.20(b)(ii)(A), 21 (b) & (c), 22(b) & (c), 29 of NDPS Act. The petitioner/A13 is in remand since 19.03.2024. 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/A13 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/A13.

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

1) The petitioner/A13 shall be released on bail on executing his personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of this Court.

2) The petitioner/A13 shall furnish his residential addresses, contact numbers, Email IDs, Aadhar cards and changes, if any, from time to time to the SHO, Panjagutta PS, Hyderabad, for securing his presence in judicial process.

3) The petitioner/A13 shall attend before SHO, Panjagutta PS, Hyderabad, once in every 15 days i.e., on second and fourth Saturday between 10.00 AM to 2.00 PM till filing of charge sheet.

4) The petitioner/A13 shall not leave the jurisdiction of the Court 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.

5) If the petitioner/A13 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 20th day of September, 2024.

Sd/-
SESSIONS JUDGE,
HYDERABAD.