

IN THE COURT OF THE SPECIAL JUDGE FOR TRIAL OF CASES UNDER
NDPS ACT CUM I ADDL. SESSIONS JUDGE, ADILABAD

Present : **Smt.D.Madhavi Krishna,**
Special Judge for trial of cases under NDPS Act Cum
I Addl. Sessions Judge, Adilabad

Tuesday this the 15th day of November 2022

Crl.M.P.No. 464 of 2022
In
COR No. 84 of 2022 of Prohibition & Excise Station,Utnoor

Between :

Taghre Gulab Singh, S/o. Taghre Rav Singh, Age 35 years,
Occ:Agriculture, R/o. Village Sakaram Thanda (v), Mandal Indervelly,
Dist. Adilabad

...Petitioner/Accused

//And//

The State of Telangana through Prohibition & Excise Station Utnoor

Respondent/Complainant

This petition has come before me on 11.11.2022 for final hearing in the presence of Sri C.Indal Singh, Advocate for the Petitioner/Accused and of Sri M.Madhukar, Additional Public Prosecutor for the State and on hearing and having perused the material on record, this Court made the following:

ORDER

1. This is bail petition filed Under Section 439 of Cr.P.C praying the Court to enlarge the petitioner/accused on regular bail.
2. The petitioner is the accused in COR No. 84/2022 of Prohibition & Excise Station, Utnoor for the offences under sections 8(b) r/w 20(a) of NDPS Act and he was remanded to judicial custody on 3.11.2022 and lodged in District Jail, Adilabad.
3. The learned counsel for the petitioner submitted that the allegations are false, baseless and created one only for the purpose of case and he has nothing to do with the alleged offence. It is further

submitted that the investigation is completed and hence prayed that the petitioner may be enlarged on bail.

4. The learned Additional Public Prosecutor stated that the accused person was arrested on 3.11.2022 and produced before the court for remand and he further stated that the accused cultivated the ganja plants as internal crop and the seized Ganja is 2KG weight. He further stated that if the petitioner released on bail, he will not cooperate with the authorities for investigation and prayed to dismiss the petition.

5. Now the point for determination is:

“Whether the petitioner/accused is entitled for bail or not”?

6. Heard. Perused the record.

7. **POINT:**

The petitioner is accused in COR NO. 84/2022 of Prohibition & Excise Station, Utnoor for the offences under section 8(b) r/w 20(a) of NDPS Act-1985 and he was remanded to judicial custody on 3.11.2022 and lodged in District Jail, Adilabad.

8. In the various decisions the Hon’ble High Court considered the bail applications and held that when there is below commercial quantity of ganja is seized from the possession of the petitioner, the bar under section 37 of the NDPS Act is not applicable and also period of custody to be considered. Heard counsel for the petitioner relied upon the decision of Hon’ble Apex Court held between **Alakh Ram Vs. State of U.P.** [2004 (1) ALD (CrI.) 462 (SC)].

9. In this case, accused allegedly planting (08) ganja plants and entire plants were destroyed after taking samples. Weight of Ganja only 2KG . In this case, most part of the investigation appears to be completed. Therefore, looking into the facts and circumstances of the

case and taking into consideration of the gravity of the offence alleged, progress of investigation of the case and taking into account the period of detention of the petitioner in Judicial custody, and his age and the petitioner has no criminal antecedents, and the finding of Hon'ble Apex Court in above referred decision, I am inclined to release the petitioner/accused on bail. Point is answered accordingly.

10. **In the result:** the petition is allowed and the petitioner/accused shall be released on bail on the following conditions.

- i. That the petitioner shall execute a personal bond for Rs. 15,000/- with two sureties each for a like sum to the satisfaction of the Judicial Magistrate of First Class, Utnoor.
- ii. That the petitioner shall appear before the investigating authorities on every Sunday between 10 a.m, to 5 p.m for 2 months or till filing of final report, whichever is earlier.
- iii. That the petitioner shall not leave the Jurisdiction of this court without prior permission of the court.
- iv. That the petitioner shall furnish the present address of residence to the IO, and also to the court at the time of the executing bond and shall not change the residence without intimation of this court.
- v. That the petitioner shall not tamper the evidence of prosecution and shall co-operate the investigating agency as and when required.

Typed to my dictation, and after correction pronounced by me in the open court, on this the 15th day of November ,2022.

I Addl. Sessions Judge,
Adilabad

Copies to :

- 1).The J.F.C.M. Utnoor
- 2).The SHO of PS Utnoor
- 3).The Superintendent, Dist. Jail,Adilabad
- 4).Sri. C.Indal Singh, Advocate for the
petitioner/Accused
(on payment of usual charges)

