

**IN THE COURT OF THE I ADDITIONAL DISTRICT AND SESSIONS
JUDGE: SANGAREDDY**

PRESENT: Smt. K. Jayanthi,
I Additional District and Sessions Judge,
Sangareddy.

FRIDAY, THE 7TH DAY OF JUNE, 2024

Crl.M.P. No. 638 OF 2024
IN
NDPS SC NO 36 of 2022

Between:-

Prashant Ramdas Raut, S/o Ramdas Ambadas
Aged about 22 years, Occ: Coolie
R/o Pahardi Akola Tq., Maharastra.

... Petitioner/Accused No.2

A N D

The State of Telangana through,
P.S. Pulkal.

... Respondent/Complainant

This petition came up before me for final hearing in the presence of Sri P. Bal Reddy, Advocate for the Petitioner/Accused No.2 and the Learned Additional Public Prosecutor for the Respondent/Complainant, upon perusing the material papers available on record and upon hearing both sides, this Court made the following:-

ORDER

1. This Petition is filed by the Petitioner/Accused No.2 under Section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") praying this Court to release him on bail in NDPS SC No. 36 of 2022, Cr.No. 74 of 2021 of P.S. Pulkal

registered for the offence under Sections 8 (c) read with Section 20(b) (ii) (C) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short “ the NDPS Act”).

2. Notice given to the Learned Additional Public Prosecutor, who opposed the bail and stated that there are no merits in the application and prayed to dismiss the Petition.

3. This Court heard the arguments on either side and perused the entire record.

4. Now, the point for determination is:

Whether the Petitioner/Accused No.2 is entitled to be released on bail?

5. POINT:

As seen from the record, that the Petitioner/Accused No.2 was produced before this Court on execution of Non Bailable Warrant. Later, he was released on bail and the case was posted for his appearance on 05-08-2022. On that day, the Petitioner did not appear before this Court due to ill health, as per the version of accused No.2. As a result, this Court was pleased to issue Non-bailable Warrant on 05-08-

2022 along with notices to the sureties. After receiving the notices, the sureties have produced the Petitioner/Accused No.2 before this Court on 01-09-2023 and in turn, the Petitioner was remanded to judicial custody. In fact, the Petitioner was regular in attending the Court and on that day due to ill health, he could not appear and prayed to release him on bail, subject to any conditions.

6. The Learned Counsel for the Petitioner submitted that due to ill health, Accused No.2 could not appear before this Court and no investigation is pending against the Accused No.2 as the case is already registered against him as S.C.No.36 of 2022 and prays to allow the petition subject to any condition.

7. Per contra, the Learned Additional Public Prosecutor submitted that there are no valid reasons with supporting documents filed along with present application and if the Accused No.2 is enlarged on bail, there is every chance that he may abscond to delay the proceedings and prayed to dismiss the petition.

8. As seen from the record, due to non appearance of the Petitioner/Accused No.2, Non Bailable Warrant was issued

against Accused No.2 on 05-08-2022. On 04-06-2023, he was produced before this Court by the sureties and he was remanded to judicial custody. In the present application, only ground taken by the Accused No.2 is that due to his health issues, he could not appear before this Court. But, he did not file any medical record to show his bonafides. This is the second bail application filed by the petitioner. The case is pertaining to the crime of the year 2021. Further, the Petitioner/accused No.2 is resident of Pahardi Akora Tq., Maharashtra State. Hence, if the Petitioner/Accused No.2 is enlarged on bail at this stage, there is every likelihood to abscond and delay the proceedings. Hence, this Court do not find any merits and changed circumstances in the application of the Petitioner and it is liable to be dismissed. Accordingly, the question is answered.

9. In the result, this petition is dismissed.

(Typed to my dictation, corrected and pronounced by me in the Open Court on this the 7th day of June, 2024)

I Additional District and Sessions Judge,
Sangareddy.

Copy to:-

Sri P. Bal Reddy, Advocate for the Petitioner/A.2.