

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.341 of 2022

ORDER:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No.5 seeking bail in the event of his arrest in connection with Crime No.268 of 2021 on the file of Moinabad Police Station, Cyberabad District, registered for the offence punishable under Section 8(c) read with 20(b)(II)(c) of NDPS Act.

2. The case of prosecution is that on 11.06.2021 at about 8.00 hours, while the S.I. of Police along with his staff was conducting vehicle check at Aziznagar Chowrastha, they found four persons under suspicious circumstances by carrying 3 polythene bags, and on search, they seized 30 kgs of dry ganja under a cover of panchanama.

3. Learned counsel for petitioner Sri S. Viplav Simha Reddy, submits that nothing has been seized from the possession of the petitioner and he is not arrayed as accused and his name does not find place either in the complaint or in the panchanama. Learned counsel submits that in the remand report, for the first time, the name of petitioner is shown along with the other accused. He submits that even as per the remand report also, the petitioner is unconnected with the present crime. He further submits that in the remand report, it is mentioned that A5 was introduced A6 to A1 and A6 was provided the ganja to A1 to A5 in several times and all together consumed ganja at the room of A1 and since then, they were addicted to ganja and A7 supplied the ganja, but as A1 to A4 are not having sufficient amount, A1 hatched a plan to earn money, for which he informed his plan to A2 to A4, who have also agreed, on which A1 made phone call to A5 and A6 for ganja, upon which, they informed him to go to Sileru and meet A7, who will provide ganja. Learned counsel submits that

the petitioner is unconnected with the offence and it is not the case of the prosecution that the petitioner has derived any monetary benefit from the said transaction, and only basing on the confession made by the other accused, the petitioner has been implicated in the present crime. Learned counsel submits that the petitioner being a Student of B.Tech, his career would be ruined if he is arrested by the police and hence, his case may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submits that basing on the instructions and advice of petitioner, the other accused went to Sileru and procured the ganja, and in view of the allegations leveled against the petitioner and as the offence is under the provisions of NDPS Act, the petitioner is not entitled for pre-arrest bail.

5. Generally, this Court is hesitant in granting pre-arrest bail where the offences are under the provisions of NDPS Act. Particularly, in this case, taking into consideration the allegations against the petitioner and as far as seizure of 30 kgs of ganja is concerned, there are no specific overt acts against the petitioner and as he is a Student of B.Tech, this Court deems it appropriate to grant pre-arrest bail to petitioner/A5.

6. The Criminal Petition is allowed. Petitioner – Accused No.5 shall surrender before the Station House Officer, Moinabad Police Station, Cyberabad District, in connection with Crime No.268 of 2021 within one week from today and on such surrender and executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, he shall be released on bail. On such release, the petitioner shall appear before the said Station House Officer once in a week i.e., on every Saturday between 10.00 a.m. and 1.00 p.m till filing of the charge sheet and he shall

cooperate with the investigation. It is made clear that no further extension of time will be granted.

24th January, 2022

LALITHA KANNEGANTI, J

sj