

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 7927 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused in Crime No. 177 of 2021 on the file of Zaheerabad Town Police Station registered for the offence punishable under Section 20(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 15.08.2021, on credible information, the Sub-Inspector of Police, Zaheerabad Police Station along with his staff, while organizing vehicle-check at the outskirts of Pastapur Village in front of Mahfil Dhaba Hotel, Algole X Roads, found one Maruthi Swift Dzire VDI car bearing Registration No. TS 28 K 4475 in suspicious circumstances, they stopped the vehicle and seized 74 kgs. of dry ganja from the possession of accused.

3. Learned counsel for petitioner Sri Palle Sriharinath submits that contraband of 74 kgs. is seized in this crime. It is submitted that petitioner was arrested and remanded to judicial custody on 15.08.2021 and from then on, he is languishing in jail. Learned counsel submits that petitioner is driver of the vehicle and he is not concerned with the alleged contraband seized from the car. It is also submitted that while conducting search and seizure, police failed to follow the procedure contemplated under the provisions of the NDPS Act. It is further submitted that petitioner has no criminal antecedents

and entire investigation is completed and charge sheet is also filed, hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor does not dispute the fact that petitioner has no criminal antecedents. However, he submits that contraband seized in this crime is a commercial quantity and in view of the bar under Section 37 of the NDPS Act, petitioner is not entitled for grant of bail.

5. Taking into consideration the fact that entire investigation is completed and charge-sheet is also filed and further as petitioner has no criminal antecedents, this Court deems it appropriate to grant bail to him.

6. The Criminal Petition is therefore, allowed. The petitioner - Accused shall be enlarged on bail in connection with Crime No. 177 of 2021, P.S. Zaheerabad Town, Sangareddy District on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees one lac only) with two sureties for a like sum each to the satisfaction of the learned I Additional District & Sessions Judge at Sangareddy. The petitioner – Accused shall appear before the police till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

LALITHA KANNEGANTI, J

24th November 2021

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