

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
MONDAY, THE FIFTEENTH DAY OF NOVEMBER TWO THOUSAND AND TWENTY ONE
:PRESENT:
THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI
CRIMINAL PETITION NO: 8091 OF 2021

Between:

M. Siddaiah, S/o. Amba Swamy

...Petitioner/Accused No.2

AND

The State of Telangana, Rep its Public Prosecutor High Court of Telangana at Hyderabad.

...Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioner/Accused No.2 on Bail in the event of their arrest in COR. NO.124 OF 2021, dated: 27-10-2021 of Prohibition and Excise P.S, Gadwal, Jogulamba Gadwal District.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of M/s G. RAJESHWAR RAO Advocate for the Petitioner and of Assistant PUBLIC PROSECUTOR for the Respondent, the Court made the following.

ORDER:

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.8091 of 2021

ORDER:

This Criminal Petition under Section 438 Cr.P.C., is filed by the petitioner/accused No.2 seeking anticipatory bail in the event of his arrest in COR No.124 of 2021 dated 27-10-2021 of Prohibition and Excise P.S. Gadwal Jogulamba Gadwal District for the offences punishable under Sections 8(b) read with Section 20(a) 20(b) (i) of NDPS Act 1985.

The brief facts of the case are that the petitioner and his father are having land in Survey No.16, 16/3 to an extent of Ac.4-00 guntas at Devabanda Village, Ieeja Mandal and the petitioner by profession is Pujari and further the land was given for lease for a period of 4 years to accused No.1 on 5-6-2018 and the petitioner is in no way concerned about cultivation of Ganja as alleged by the police.

Heard learned counsel for the petitioner as well as the learned Assistant Public Prosecutor appearing for respondent/State. Perused the material on record.

Learned counsel for the petitioner submits that the petitioner is alleged to have committed the offences under Sections 8(b) read with Section 20(a) 20(b) (i) of NDPS Act 1985. He submits that A-1, who is the lessee of the petitioner, has taken the land of the petitioner on lease and he was found to have cultivating Ganja in the said land and a crime was registered against him. Learned counsel for the petitioner submits that the petitioner has no knowledge about such cultivation and he is the owner of the said land and he has been falsely implicated in the present case. Even in the panchanama also, it is categorically mentioned that

the land was taken on lease from the petitioner. He submits that the petitioner has no connection with the alleged offence and hence, the petitioner may be granted pre-arrest bail.

On the other hand, the learned Assistant Public Prosecutor submits that since the offence is under Sections 8(b) read with Section 20(a) 20(b) (i) of NDPS Act 1985, the petitioner is not entitled for anticipatory bail and hence, the criminal petition may be dismissed.

Generally, this Court will not entertain petitions seeking pre-arrest bail, as there are stringent conditions provided under the NDPS Act for grant of bail. However, in this case, particularly taking into consideration the allegations that A-1 has taken the land of the petitioner on lease and cultivating Ganja, it is nobody's case that the petitioner has knowledge about cultivation of Ganja by A-1.

In that view of the matter, this Court deems it appropriate to grant anticipatory bail to the petitioner/accused No.2.

Accordingly, this Criminal Petition is allowed and the petitioner/A-2 shall be enlarged on bail in the event of his arrest in connection with COR No.124 of 2021 dated 27-10-2021 of Prohibition and Excise P.S. Gadwal, Jogulamba Gadwal District on his executing a bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the Station House Officer, Prohibition and Excise P.S. Gadwal, Jogulamba Gadwal District.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/ M.MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Gadwal District.
2. The Station House Officer, Prohibition and Excise P.S, Gadwal, Jogulamba Gadwal District.
3. One CC to M/s G. RAJESHWAR RAO, Advocate [OPUC].
4. Two CCs to PUBLIC PROSECUTOR, High Court for the State of Telangana at Hyderabad [OUT].
5. One spare copy
ZEE

HIGH COURT

LKJ

DATED:15/11/2021

ORDER

CRLP.No.8091 of 2021

BAIL

