

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8215 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No. 2 in Crime No. 20 of 2021 on the file of Prohibition & Excise Station, Nakrekal, Nalgonda District registered for the offence punishable under Section 8(c) read with Section 20(b)(i) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 29.07.2021, Prohibition & Excise Inspector along with staff, on receiving information about ganja business in the house of one Sri Bheemanaboina Chakravarthy in Nomula Village, proceeded to the said house and found 500 grams of ganja. In the enquiry, Sri Bheemanaboina Chakravarthy confessed that K. Bharath Kumar gave him 2 kgs. of ganja and on 29.07.2021, the said Bharath Kumar (petitioner herein) called him over phone and informed that he would supply 2 kgs. of ganja at Hi-tech bus stand, Suryapet. Basing on that confession, Excise officials went to Hi-tech Bus Stand and found Accused No.2 in possession of 29 kgs. of dry ganja and seized the same.

3. Learned counsel for petitioner Sri A. Prabhakar Rao submits that contraband of 27 kgs. is seized in this crime and petitioner earlier moved this Court by filing Criminal Petition No. 7213 of 2021 which was dismissed by the order dated 29.09.2021. He submits that petitioner is languishing in jail from the last 142 days and Accused No.3 is also granted bail by this Court in Criminal Petition No. 6902 of 2021 *vide* order dated 08.09.2021. It

is submitted that petitioner has no criminal antecedents, hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that investigation is pending and RFSL report is awaited. He submits that earlier bail Application was dismissed by this Court and as contraband seized is commercial quantity, 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 petitioner is in jail from the last 142 days and as there is nothing forthcoming to show that he has criminal antecedents and as already Accused No.3 is granted bail by this Court, this Court deems it appropriate to grant bail to petitioner – Accused No.2 also.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused No.2 shall be enlarged on bail in connection with Crime No. 20 of 2021 on the file of Prohibition & Excise Police Station, Nakrekal 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 I Additional District & Sessions Judge, Nalgonda. Petitioner – Accused No. 2 shall appear before the police concerned on every Sunday between 10.00 a.m. and 2.00 P.M. till completion of trial.

LALITHA KANNEGANTI, J

17th December 2021

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