

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8342 OF 2021

ORDER:

This Criminal Petition, under Section 438 Cr.P.C., is filed by the petitioner – Accused seeking bail in the event of his arrest in connection with Crime No. 35 of 2021 of Prohibition and Excise Police Station, Serilingampally, Hyderabad, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(c) of the NDPS Act.

2. The case of the prosecution is that on 04.10.2021, the Prohibition and Excise Inspector along with staff, on receipt of information about ganja business in the house bearing No.2-58/5/2/1, Nanakramguda, proceeded to the house along with panchas and conducted search in the said house and found 2.056 grams of ganja and on enquiry, the neighbours informed that the petitioner is residing in the said house and on the basis of the panchanama, police registered the crime.

3. Heard the learned counsel for the petitioner, learned Assistant Public Prosecutor appearing for the State and perused the material on record.

4. Learned counsel appearing for the petitioner submits that the petitioner has been implicated in this case and nothing has been seized from his possession. As per the panchanama, the contraband was seized from the house bearing No.2-58/5/2/1. Learned counsel for the petitioner submits that petitioner is a resident of house bearing H.No.2-59/3 and even the name of the

petitioner is mentioned as Bhajania Mukesh Singh but the petitioner's name is Gajania Mukesh Singh and further he is also not residing in the said house. It is further submitted that absolutely there is no evidence to connect the petitioner to the alleged crime. He submits that the petitioner has no criminal antecedents and hence, his case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor submits that investigation is pending and two witnesses are examined in this case.

6. This Court generally do not entertain pre-arrest bail petitions for the offences under NDPS Act whereas in this case, the contraband seized from the house bearing No.2-58/5/2/1 and whether the said house belongs to the petitioner or not itself is in dispute. The prosecution could not file any material before this Court to show that petitioner is a resident of the said premises. Further, learned counsel for the petitioner placed on record copies of Aadhar card and house tax receipt which shows that the petitioner is a resident of some other locality. In view of the same, this Court deems it appropriate to grant pre-arrest bail to the petitioner.

7. Accordingly, this Criminal Petition is allowed. Petitioner – Accused shall surrender before the Station House Officer, Prohibition and Excise Police Station, Serilingampally, in connection with Crime No. 35 of 2021 within one week from today and on such surrender and executing a personal bond for

Rs.20,000/- (Rupees twenty 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. It is made clear that no further extension of time will be granted.

Miscellaneous applications, if any, pending shall stand closed.

LALITHA KANNEGANTI, J

3rd December 2021
RRB