

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI
CRIMINAL PETITIONS No. 8356 AND 8478 of 2021

COMMON ORDER:

Both these Criminal Petitions under Sections 437 and 439 Cr.P.C. are filed by petitioners – Accused Nos. 1 to 3 in COR No. 263 of 2021 on the file of Prohibition & Excise Police Station, Bhadrachalam, registered for the offence punishable under Section 20(b) read with Section 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 30.10.2021, on reliable information, Prohibition & Excise Inspector along with his staff proceeded to auto stand before bus stand, Bhadrachalam and conducted raids and found petitioners– accused in possession of 10 kgs. of ganja and the same was seized under the cover of confession and recovery panchnama.

3. Learned counsel for petitioners Sri Parsa Ananth Nageswar Rao (Criminal Petition No.8356 of 2021) and Sri J.P. Srikanth (Criminal Petition No. 8478 of 2021) submit that a contraband of 10 kgs. is recovered in the crime. According to the learned counsel, petitioners have been falsely implicated in this case and they are unconnected with the alleged offence. It is submitted that petitioners were arrested and remanded to judicial custody on 30.10.2021 and since then, they have been languishing in jail. Learned counsel further submit that as the contraband seized is not a commercial quantity, there is no bar under Section 37 of the NDPS Act to grant bail to petitioners.

4. On the other hand, learned Assistant Public Prosecutor submits that petitioners belong to Maharashtra State and if they are enlarged on bail, it will be very difficult for the prosecution to secure their presence during trial. He submits that so far, two witnesses were examined and FSL report is awaited. He further submits that as the investigation is still pending, at this stage, petitioners are not entitled for grant of bail.

5. Taking into consideration the fact that contraband of 10 kgs. recovered from the possession of petitioners is not a commercial quantity and further, as nothing is forthcoming to show that petitioners have criminal antecedents, this Court deems it a fit case to grant bail to petitioners, on certain conditions.

6. The Criminal Petitions are therefore, allowed. Petitioners – Accused Nos. 1 to 3 shall be enlarged on bail in connection with COR No. 263 of 2021 on the file of Prohibition & Excise Police Station, Bhadrachalam, on each of them executing a personal bond for a sum of Rs. 50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of Judicial Magistrate of I Class at Bhadrachalam. Petitioners shall appear before the investigating authorities on every Sunday between 10.00 am and 1.00 pm till completion of trial and they shall not leave the State until further orders.

LALITHA KANNEGANTI, J

30th November 2021

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