

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8602 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No. 3 in Crime No. 179 of 2021 on the file of Kulsumpura Police Station, registered for the offence punishable under Section 20(b)(ii)(B) read with Section 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 20.10.2021, at about 13.30 hours, on credible information, Sub-Inspector of Police and staff rushed near Peelimandap, New Road, Jiyaguda and found five persons, who admitted that they gathered at that place for selling ganja to needy customers. Police seized contraband from the possession of petitioner and other accused.

3. Learned counsel for petitioner Sri K. Satish Chakravarthy submits that contraband of 500 grams of dry ganja was recovered from the possession of petitioner. He submits that while conducting search and seizure, police have failed to follow the procedure contemplated under the NDPS Act. It is also submitted that other accused i.e. Accused Nos. 1, 2, 4, 5 and 6 were already enlarged on bail by the Special Court. It is submitted that ganja seized from the possession of petitioner is not a commercial quantity. Learned counsel submits that petitioner has no criminal antecedents and he was arrested and remanded to judicial custody on 21.10.2021 and from the last more than 40

days, he is languishing in jail, hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor also does not dispute that fact that petitioner has no criminal antecedents.

5. Taking into consideration the fact that contraband seized from the possession of petitioner is not a commercial quantity and further, as there is nothing forthcoming to show that petitioner has criminal antecedents, this Court deems it appropriate to grant bail to him.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No. 3 shall be enlarged on bail in Crime No. 179 of 2021 on the file of P.S. Kulsumpura, Hyderabad, on his 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 the I Additional Metropolitan Sessions Judge, Hyderabad. The petitioner - Accused No. 3 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

29th November 2021

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