

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8557 OF 2021

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused seeking bail in the event of his arrest in connection with P.R.No. 225 of 2021 of P.S. Prohibition & Excise Station, Echoda registered for the offence punishable under Section 8(b) read with Section 20(a) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of prosecution is that on 01.11.2021, at 05.45 p.m., on reliable information of cultivation of ganja in agricultural fields of Belluri Village of Gudihathnoor Mandal, Prohibition & Excise Staff, Echoda went there and while searching the fields, they found ganja plants in cotton crop and on enquiry, they came to know that petitioner is cultivating ganja in the land in Survey No. 7/ belonging to one Sri Digambar and seized 226 ganja plants from the above field.

3. Learned counsel for petitioner Sri S. Surender Reddy submits that on the ground that ganja plants are being cultivated in the land of petitioner, present case is foisted against him. He submits that petitioner is a Sarpanch and due to political rivalry, he has been implicated in this case. Learned counsel submits that petitioner is native of Belluri Village, whereas panch witness No.1 is native of Dongregooan Village and panch witness No.2 is native of Kolhari village which itself shows how a false case has been foisted against petitioner and

there is no explanation forthcoming in the panchnama why panch witnesses, who are residents of village 20 kms. away from the scene of offence, acted as panchayatdars. Learned counsel submits that it is a pure abuse of process, hence, the case of petitioner may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor also does not dispute the fact that panch witnesses belong to a different village which is about 20 kms. away from the scene of offence. He submits that petitioner has taken the land on lease from the original owner and cultivating ganja.

5. Heard learned counsel on either side and perused the material on record.

6. Generally, this Court does not entertain pre-arrest bail Application for the offence under Section NDPS Act, in this particular case, admittedly, the allegation is that petitioner was cultivating ganja plants in Belluri Village and as per panchanama, panch witnesses belong to villages which are about 20 kms. away from Belluri Village. In this peculiar facts and circumstances, this Court deems it a fit case to grant pre-arrest bail to petitioner.

7. Accordingly, this Criminal Petition is allowed and petitioner – Accused shall be released on bail in the event of his arrest in connection with P.R.No. 225 of 2021 of P.S. Prohibition & Excise Station, Echoda on his executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for a

like sum each to the satisfaction of the Station House Officer,
Prohibition & Excise Station, Echoda, Adilabad District.

LALITHA KANNEGANTI, J

29th November 2021

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