

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8694 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioners – Accused Nos. 1 to 4 in Crime No. 387 of 2021 on the file of Khanapuram Haveli Police Station, registered for the offences punishable under Sections 8(c) and 20 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 03.11.2021, at about 07.15 A.M., near Harvest School, Mamatha Road, Khammam, Accused Nos. 1 and 2 were found in illegal possession of 5 kgs. of ganja on motor cycle and on enquiry, they revealed that they purchased ganja from Accused Nos. 3 and 4 in order to sell the same to Accused No.5. In pursuance of the confession, police seized ganja, two cell phones, one CBZ motor cycle bearing Registration No. AP 20 AG 3113 and one agreement document from the possession of Accused Nos. 1 and 2.

3. Learned counsel for petitioners Sri Parsa Ananth Nageswar Rao submits that prosecution alleged that 5 kgs. of contraband was recovered from Accused Nos. 1 and 2 and from Accused Nos. 3 and 4, 2 kgs. of ganja was recovered. He submits that petitioners were arrested and remanded to judicial custody on 03.11.2021 and contraband that was seized from their possession is not a commercial quantity. He further submits that there are no criminal antecedents against petitioners, hence, their case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor also does not dispute that fact that petitioners have no criminal antecedents. However, he submits that investigation is pending and so far, 12 witnesses were examined and at this stage, petitioners are not entitled for grant of bail.

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

6. The Criminal Petition is therefore, allowed. Petitioners - Accused Nos. 1 to 4 shall be enlarged on bail in Crime No. 387 of 2021 on the file of P.S. Khanapuram Haveli, 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 the II Additional Judicial First Class Magistrate at Khammam. Petitioners – Accused Nos. 1 to 4 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

02nd December 2021

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