

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.8823 OF 2021

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/A.4 in the event of his arrest in connection with C.O.R.No.412 of 2019 of Prohibition and Excise Station, Dhoopet, Hyderabad, registered for the offence punishable under Section 8(c) r/w 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "**NDPS Act**").

2. The case of the prosecution is that on 14.08.2019 at 2.15 p.m., the police apprehended A.1 and A.2 at Shivilal Nagar, Upper Dhoolpet, Hyderabad, and found that they were in illegal possession of 7.600 kgs. of ganja. Basing on the said complaint, the present crime is registered.

3. Heard Mr.A. Prabhakar Rao, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits as per the case of prosecution, A.1 and A.2 are in possession of 7.600 kgs of ganja and they confessed about the role played by A.3. He submits that nothing has been stated against this petitioner. He further submits that the petitioner is aged about 68 years and suffering with health ailments. The petitioner is the father of A.3. The crime is of the year 2019 and nothing

has been alleged against the petitioner. Therefore, the petitioner's case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor submits that the Court below dismissed the bail application of the petitioner and there are specific allegations against the petitioner. In view of the same, the petitioner is not entitled for pre-arrest bail.

6. As far as the offence under NDPS Act, this Court generally not inclined to grant pre-arrest bail. But, however in this case, there are no specific allegations insofar as this petitioner is concerned, further the age of the petitioner, this Court deems it appropriate to grant pre-arrest bail to the petitioner/A.4.

7. Accordingly, this Criminal Petition is allowed. Petitioner/A.4 shall surrender before the Prohibition and Excise Station, Dhoolpet, in connection with C.O.R.No.412 of 2019 within one week from today and on such surrender and executing a personal bond for a sum 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.

Consequently, miscellaneous applications pending, if any, shall stand closed.

LALITHA KANNEGANTI, J

Date :10.12.2021

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