

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8875 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused in COR No. 120 of 2021 on the file of Khammam II Town Prohibition & Excise Station registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 05.11.2021, petitioner was found in possession of 4.3 kgs. of dry ganja in two brown colour packets during the raid conducted by Prohibition & Excise police.

3. Learned counsel for petitioner Sri Parsa Ananth Nageswar Rao submits that contraband seized is not a commercial quantity, hence, there is no bar under Section 37 of the NDPS Act to grant bail to petitioner. He submits that petitioner is languishing in jail from 05.11.2021, hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that petitioner is a resident of Odisha State and if is enlarged on bail, it will be very difficult for prosecution to secure his presence during the course of trial. He submits that investigation is pending, hence, petitioner is not entitled for bail.

5. Taking into consideration the fact that contraband seized is not a commercial quantity and further, as nothing is placed on record to show that petitioner has any criminal

antecedents, this Court deems it appropriate to grant bail to him, on certain conditions.

7. The Criminal Petition is therefore, allowed. Petitioner - Accused shall be enlarged on bail in connection with COR No. 120 of 2021 on the file of Prohibition & Excise Station, Khammam II Town 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 Special Judicial Magistrate of I Class (Prohibition & Excise Cases) at Khammam. Petitioner – Accused shall appear before the police concerned on every Sunday between 10.00 a.m. and 2.00 P.M. and he shall not leave this State till completion of trial.

LALITHA KANNEGANTI, J

07th December 2021

ksld