

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9066 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.2 in Crime No. 263 of 2021 on the file of P.S. Manakondur, Karimnagar District registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 18.10.2021 at 16.00 p.m., on receipt of credible information that two persons were coming towards Manakondur by carrying ganja for commercial purpose by motor cycle, Inspector of Police along with staff started conducting vehicle check near Gram Panchayat Office, Manakondur village and apprehended two persons along with motor cycle bearing Registration No. AP 15 A 3075 and seized ganja from their bag.

3. Learned counsel for petitioner Sri P. Sajan Kumar submits that contraband of 3.2 kgs. is seized in this crime. He submits that petitioner is unconnected with the alleged offence and he has been implicated in this case. It is also submitted that while conducting search and seizure, police failed to follow the procedure contemplated under Section 42 of the NDPS Act. He submits that petitioner was arrested and remanded to judicial custody on 19.10.2021 and since then, he has been languishing in jail. learned counsel submits that contraband seized from the possession of petitioner is not a commercial quantity, as such, there is no bar under Section 37 of the NDPS Act. It is stated that

petitioner has no criminal antecedents, hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that so far three witnesses were examined and investigation is still pending, at this stage, petitioner is not entitled for grant of bail.

5. Taking into consideration the fact that contraband seized is 3.2 kgs. which is no a commercial quantity and further as nothing is forthcoming to show that petitioner is a habitual offender, this Court deems it appropriate to grant bail to him.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused No.2 shall be enlarged on bail in connection with Crime NO., 263 of 2021 on the file of P.S. Manakondur 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 I Additional District and Sessions Judge, Karimnagar. Petitioner – Accused No. 2 shall appear before the police concerned on every Sunday between 10.00 a.m. and 2.00 P.M. till completion of trial.

LALITHA KANNEGANTI, J

10th December 2021

ksld