

THE HON'BLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION NO. 8962 OF 2021

ORDER:-

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/A.3 in connection with Crime No. 165 of 2021 on the file of Enkoor Police Station, Khammam District, wherein the petitioner, along with other accused, is alleged to have committed the offences punishable under Section 8(c) r/w 20(b) of NDPS Act.

2. The case of the prosecution is that on 27.10.2021 at about 9:00 a.m., while Enkoor Police were conducting a road-watch near Jannaram Cross Road, they found two persons on the motorcycle escorting a Tata Ace. On seeing the Police, they tried to flee away. Police apprehended them and on interrogation, they found 70 kgs. of ganja in the Tata Ace, that was being escorted by them on the motorcycle. Police seized such contraband and remanded them to judicial custody.

3. The learned counsel for the petitioner submits that the petitioner is the owner-cum-driver of the vehicle that is engaged to transport the contraband and he is neither owning nor supplying the contraband. It is just out of greediness for more money, the petitioner undertook to transport the contraband. It is also the contention of the learned counsel that the Panchanama shows that it was not prepared in the manner which is required to be prepared and there is omission to mention the date thereon.

4. The learned Public Prosecutor opposed the request of the petitioner for grant of bail contending that the contraband is a commercial quantity.

5. The fact remains that the petitioner was arrested on 27.10.2021 and since then, he is in judicial custody. He is resident of East Godavari District. He is only the owner and driver of the vehicle which was engaged by the prime accused to transport the contraband. *Prima facie* he has no role as to the ownership of the contraband except the role of mere transporter. Considering the role played by the petitioner, his request for grant of regular bail can be considered by imposing certain conditions.

6. In the result, the petition is allowed and the petitioner/A.3 shall be enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty-five thousand only) with two sureties for a like sum each to the satisfaction of the Principal Judicial Magistrate of First Class, Kothagudem, Khammam District. On such release, the petitioner shall appear before the S.H.O., Enkoor Police Station, on every Sunday in between 06:00 a.m. to 06:00 p.m. for a period of three months from today.

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

M. LAXMAN, J

Date :31.12.2021

tsr

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DATE: 31-12-2021