

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9015 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused in COR No.111 of 2021 on the file of Prohibition & Excise Station, Khammam-I Town, registered for the offence punishable under Section 8 (c) r/w 20 (b) (ii) (c) of the Narcotic Drugs And Psychotropic Substances Act, 1985 (for short “NDPS Act”), seeking bail.

2. The case of the prosecution is that on 02.11.2021 the Prohibition and Excise Inspector, AC-Enforcement, Khammam along with his staff conducted raid near New Bus Stand, Khammam and found the petitioner is in possession 18 Kgs of dry ganja, arrested the petitioner, seized the contraband under the cover of occurrence report. Basing on the same, the above crime was registered.

3. Heard Sri Parsa Ananth Nageswar Rao, learned counsel for petitioner and learned Assistant Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that petitioner is languishing in jail from 02.11.2021 and the contraband of 18 Kgs seized in this case is not a commercial quantity, as such his case may be considered for grant of bail.

5. Learned Assistant Public Prosecutor submits that petitioner belongs to Uttar Pradesh State and if he is enlarged on bail, it is very difficult for the prosecution to secure his presence during the

course of trial. He submits that investigation is pending, so far only one witness was examined and at this stage, the petitioner is not entitled for bail.

6. Taking into consideration the fact that contraband seized is not a commercial quantity. Further, there is nothing forthcoming to show that petitioner has got criminal antecedents, this Court deems it appropriate to enlarge the petitioner on bail, however with certain conditions.

7. Accordingly, this Criminal Petition is allowed. Petitioner-Accused shall be enlarged on bail in connection with COR No.111 of 2021 on the file of Prohibition & Excise Station, Khammam-I 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 First Class (for Prohibition & Excise Cases), Khammam. The petitioner shall not leave the State till completion of trial.

LALITHA KANNEGANTI, J

28th December 2021

PVD

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Allowed

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28th December, 2021

PVD