

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION Nos.9318 and 9235 of 2021

COMMON ORDER:

Since both these criminal petitions arise out of the same crime, they are being disposed of by this common order.

2. These Criminal Petitions under Sections 437 and 439 Cr.P.C. are filed by petitioners – Accused Nos.3 and 5 respectively, in Crime No.932 of 2021 on the file of Bachupally Police Station, Cyberabad District, registered for the offence punishable under Section 22(b) of NDPS Act, seeking bail.

3. The case of the prosecution is that on 16.11.2021 at about 16.45 hours, on credible information, the Sub-Inspector of Police along with his staff has intercepted a Maruthi Swift Car bearing Reg. No.AP 08 GD 3212 near Pragathinagar Lake, Pragathinagar, found A1 to A4 inside the car and seized total 0.5 grams of MDMA drug, contained in polythene covers, worth Rs.4,12,650/-, from their possession under a cover of panchanama.

4. Learned counsel for petitioner/A3 Sri M. Naga Raghu in CrI.P.No.9318 of 2021 and learned counsel for petitioner/A5 Ms. Sridevi, in CrI.P.No.9235 of 2021, submit that the contraband of 0.5 grams of MDMA Drug was seized in this crime from the four accused. Learned counsels submit that both the petitioners are students and that 0.5 grams of contraband is a small quantity, and as per the schedule, 1 gram of contraband is the commercial quantity. Learned counsels submit that the petitioners have no criminal antecedents and they are languishing in hail from the last 28 days. Learned counsels submit that A6 in the present crime, with the similar allegations, is already granted bail and the case of the petitioners may also be considered for grant of bail.

5. On the other hand, learned Assistant Public Prosecutor does not dispute the fact that the petitioners have no criminal antecedents, however, he submits that the petitioner/A3 is presently residing at Bangalore, Karnataka State.

6. In response to the same, learned counsel for the petitioner/A3 submits that the petitioner is a native of Hyderabad and he is staying at Bangalore and studying there.

7. Taking into consideration the fact that the contraband seized from the accused is not a commercial quantity and further, there is nothing forthcoming to show that petitioners have criminal antecedents, this Court deems it appropriate to grant bail to them.

8. Accordingly, the Criminal Petitions are allowed. Petitioners - Accused Nos.3 and 5 shall be enlarged on bail in connection with Crime No.932 of 2021 on the file of Bachupally Police Station, Cyberabad District, on their executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two sureties for a like sum each to the satisfaction of the II Additional Junior Civil Judge-cum-X Additional Metropolitan Magistrate, Kukatpally, Cyberabad. Petitioners – Accused Nos.3 and 5 shall appear before the police once in a month i.e, 2nd Saturday between 10.00 a.m., and 1.00 p.m, till completion of trial.

LALITHA KANNEGANTI, J

14th December 2021

sj