

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9151 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 petitioners/A.1 to A.3 in connection with Crime No.154 of 2021 of Marpally Police Station, Vikarabad District, wherein the petitioners are alleged to have committed the offence punishable under Section 20(a)(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on receiving information of some persons illegally selling ganja, on 30.10.2021 at 1500 hours, the police went to the outskirts of Shapur Thanda in Forest area and found that the petitioners having one polythene bag and after search they found dried ganja in the said bag. Police seized the contraband and arrested the petitioners under the cover of mediators report. Basing on the said report, present crime was registered and sent the petitioners to the judicial custody on the same day.

3. Heard Mr.A.Ananthsen Reddy, learned counsel for petitioners, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioners submits that the alleged ganja seized from the petitioners is 4.5 kgs., which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act. He submits that the petitioners have no criminal antecedents. He further submits that the

petitioners are languishing in jail from 01.11.2021, as such their case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that so far four witnesses were examined. As the investigation is still pending, the petitioners are not entitled for bail, at this stage.

6. Taking into the consideration of the fact that the contraband that is seized is only 4.5 kgs., which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act., further nothing is forthcoming to show that petitioners are habitual offenders, this Court deems it appropriate to grant bail to the petitioners/A.1 to A.3.

7. Accordingly, this Criminal Petition is allowed and the petitioners/A.1 to A.3 shall be enlarged on bail on their executing personal bonds 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 Additional Judicial First Class Magistrate, Vikarabad. On such release, the petitioners shall appear before the Station House Officer, Marpally, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

As a sequel, all the pending miscellaneous applications shall stand closed.

LALITHA KANNEGANTI, J

Date: 13.12.2021

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