

**HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**CRIMINAL PETITION No. 9305 of 2021**

**ORDER:**

This Criminal Petition is filed under Sections 437 and 439 Cr.P.C. seeking regular bail to petitioner – Accused in connection with Crime No. 290 of 2021 of Narketpally Police Station registered for the offences punishable under Section 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 20.10.2021, in regular check in front of KIMS Hospital, de facto – complainant found petitioner carrying two bags with 4 kgs. of ganja in each bag, totaling 8 kgs. and arrested and remanded him to judicial custody.

3. Learned counsel for petitioner Sri B. Santosh Singh submits that it is alleged that 8 kgs. of ganja was seized from the possession of petitioner. He submits that petitioner is unconnected with the alleged offence and he has been implicated in this case. It is submitted that petitioner was arrested and remanded to judicial custody on 20.10.2021 and since then, he has been languishing in jail. Learned counsel submits 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 petitioner belongs to Maharashtra State and if he is enlarged on bail, it would be difficult for the prosecution to secure his presence at the time of trial, hence, he is not entitled for grant of bail at this stage.

5. Taking into the consideration the fact that contraband seized is 8 kgs., which is not 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, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioner shall be enlarged on bail 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 Judge, Nalgonda. Petitioner shall not leave the State and also shall appear before the Station House Officer, Narketpally Police Station on every Sunday between 10.00 a.m. and 1.00 p.m. till trial is completed.

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**LALITHA KANNEGANTI, J**

15<sup>th</sup> December 2021

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