

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9223 of 2021

O R D E R:

This Criminal Petition is filed under Sections 437 and 439 Cr.P.C. seeking regular bail to petitioner – Accused No. 2 in connection with Crime No.224 of 2021 of Kethepally Police Station, registered for the offences punishable under Section 8(c) read with 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 27.09.2021 at about 08.00 hours, on credible information about transportation of ganja, Sub-Inspector of Police along with his staff went to Korlapahad Tolla Plaza and while conducting vehicle check in Bus bearing No. AR 01T 1234, they found three persons in possession of ganja packets and seized the same.

3. Learned counsel for petitioner Sri P. Devender submits that the alleged ganja seized from the petitioner is 5 kgs., which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act. He submits that petitioner has no criminal antecedents. Learned counsel submits that while conducting search and seizure, police failed to follow the provisions of the NDPS Act, particularly Section 50. He further submits that petitioner is languishing in jail from 30.09.2021, and this Court by order dated 13.12.2021 in Criminal Petition No. 9136 of 2021, granted bail to Accused No.3, as such, the case of petitioner – Accused No.2 may also be considered for grant of bail.

5. On the other hand, learned Assistant Public Prosecutor submits that petitioner belongs to Uttar Pradesh State

and if he is enlarged on bail, it is difficult for prosecution to secure his presence before the trial Court. He submits that Accused Nos. 4 and 6 to 8 are absconding and so far, fourteen witnesses were examined. As the investigation is still pending, the petitioner is not entitled for bail.

6. Taking into the consideration the fact that contraband seized from the possession of petitioner is only 6 kgs., which is not commercial quantity and there is no bar under Section 37 of the NDPS Act., and further, as nothing is forthcoming to show that he is a habitual offender, this Court deems it appropriate to grant bail to petitioner – Accused No. 2.

7. Accordingly, this Criminal Petition is allowed. Petitioner – Accused No.2 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 Sessions Judge, Nalgonda. On such release, petitioner shall not leave the State and shall appear before the Station House Officer, Kethepally, on every Sunday between 10.00 a.m. and 1.00 p.m. till trial is completed.

LALITHA KANNEGANTI, J

14th December 2021

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