

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9504 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No. 3 in Crime No. 192 of 2021 on the file of Mattampally Police Station, registered for the offence punishable under Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 15.10.2021, Accused No.5 brought two bags of ganja containing 6 kgs. and handed over to Accused Nos. 1, 3 and 4 at Araku and took Rs.25,000/- per kg., thereafter, all of them left from there. Later, on 19.10.2021, Accused Nos. 1, 3 and 4 boarded an auto and reached Mattampally and met Accused No.2 and Accused Nos. 1 to 4 were waiting for vehicle at “Y” Junction at the outskirts of Mattampally Village in order to go to Kodad and to Hyderabad. Meanwhile, police, basing on credible information, checked the bags of Accused Nos. 1 to 4 and found ganja therein and arrested them.

3. Learned counsel for petitioner Sri Challa Srinivas Reddy submits that contraband of 5.9 kgs. is seized in this crime and petitioner was arrested and remanded to judicial custody on 19.10.2021 and since then, he has been languishing in jail. He submits that as the contraband that is seized from the possession of petitioner is not commercial quantity, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that Accused Nos. 1 to 4 were arrested on 19.10.2021 and Accused No.5 is still absconding. He further submits that so far, five witnesses were examined and investigation is still in progress, hence, petitioner- Accused No.3 is not entitled for grant of bail.

5. Taking into consideration the fact that contraband seized in this crime is not a commercial quantity and further nothing is forthcoming to show that petitioner is a habitual offender, this Court deems it appropriate to grant bail to him, however, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused No.3 shall be enlarged on bail in connection with Crime No. 192 of 2021 on the file of Mattampally Police Station 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 Additional Judicial First Class Magistrate, Suryapet. Petitioner – Accused No. 3 shall appear before the police concerned on every Sunday between 10.00 a.m. and 2.00 P.M. till completion of trial.

21st December 2021

LALITHA KANNEGANTI, J

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