

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9133 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioners – Accused Nos. 3 and 4 in Crime No. 297 of 2021 on the file of Miryalaguda I Town Police Station registered for the offence punishable under Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 21.09.2021, at 16.00 hours, on receipt of Petition from S.I. of Police, Miryalaguda I Town P.S., police went near Thadakamalla Cross Road, Miryalaguda Town and apprehended three persons who are in possession of ganja dry leaves in plastic bags. On enquiry, they revealed their names as Pothugani Anil, Kuthadi Gnaneshwar, Rokkam Saidi Reddy. It is alleged that Tahsildar, Miryalaguda seized 2 kgs. ganja leaves from the possession of petitioner No.1 – Accused No.3 and 10 kgs. of ganja leaves from Accused No.2

3. Learned counsel for petitioner Sri M.A.K. Mukheed submits that contraband seized in this crime is not commercial quantity, as such, there is no bar under Section 37 of the NDPS Act. Learned counsel submits that petitioners were arrested and remanded to judicial custody on 22.09.2021 and since then, they have been in jail. Learned counsel further submits that petitioners have no criminal antecedents, hence, their case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that so far, five witnesses were examined and FSL report is awaited. He submits that Accused No.2 is involved in similar offences, but petitioners, who are Accused Nos. 3 and 4, have no criminal antecedents.

5. Taking into consideration the fact that petitioners are in jail from 22.09.2021 and as nothing is forthcoming to show that they have any criminal antecedents, this Court deems it a fit case to grant bail to them.

6. The Criminal Petition is therefore, allowed. Petitioners - Accused Nos. 3 and 4 shall be enlarged on bail in connection with Crime No. 297 of 2021 on the file of Miyalaguda I Town Police Station, on each of them 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 Judicial Magistrate of I Class at Miryalaguda. Petitioners – Accused Nos. 3 and 4 shall appear before the police till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

14th December 2021
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LALITHA KANNEGANTI, J