

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9134 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 and A.2 in connection with Crime No.183 of 2021 of Vemulapalli Police Station, Nalgonda District, wherein the petitioners are alleged to have committed the offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 08.10.2021 at 11.00 hours, the Sub Inspector of Police, Vemulapally Police Station, along with his staff when performing vehicle checking at Annapureddygudem X Road on Narketpally-Addanki High Way, they found two persons have stepping down from the lorry and are trying to escape from there. They caught hold the said persons, enquired and found that they are in possession of 6 kgs. of ganja leaves. Basing on the said report, the present crime was registered.

3. Heard Mr.M.A.K.Mukheed, 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 6 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. Learned counsel submits that while conducting search and seizure, the provisions of the NDPS Act

have not followed by the police, particularly Section 50 of the NDPS Act. He further submits that the petitioners are languishing in jail from 08.10.2021, as such their case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that all the accused were arrested and so far five witnesses were examined. As the investigation is still pending, the petitioners are not entitled for bail.

6. Taking into the consideration of the fact that the contraband that is seized is only 6 kgs., which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act., this Court deems it appropriate to grant bail to the petitioners/A.1 and A.2.

7. Accordingly, this Criminal Petition is allowed and the petitioners/A.1 and A.2 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 II Additional Judicial First Class Magistrate, Miryalguda. On such release, the petitioners shall appear before the Station House Officer, Vemulapalli, 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

mar