

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9136 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 petitioner/A.3 in connection with Crime No.224 of 2021 of Kethepally Police Station, Nalgonda District, wherein the petitioner is alleged to have committed the offence punishable under Sections 8(c) and 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 30.09.2021 at 08.00 hours, on credible information about transportation of ganja, the Sub Inspector of Police along with his staff went to Korlapahad Tolla Plaza and while conducting vehicle checking in Bus bearing No.AR 01T 1234, they found that three persons are possession of ganja packets. Police seized the said contraband and arrested the petitioner and others under the cover of mediators report. Basing on the said report, present crime was registered

3. Heard Mr.M.A.K.Mukheed, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that the alleged ganja seized from the petitioner 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 petitioner is languishing in jail from 30.09.2021, as such his case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that the petitioner belongs to Goa and if the petitioner is enlarged on bail, it is difficult for the prosecution to secure his presence before the trial Court. He submits that A.4 and A.6 to A.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 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., further nothing is forthcoming to show that he is a habitual offender, this Court deems it appropriate to grant bail to the petitioner/A.3.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.3 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 the Judicial First Class Magistrate, Nakrekal. On such release, the 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 the trial is completed.

As a sequel, all the pending miscellaneous applications shall stand closed.

LALITHA KANNEGANTI, J

Date: 13.12.2021
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