

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9206 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. 366 of 2021 of Nalgonda II Town Police Station, registered for the offences punishable under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 9 of NDPS (Amendment) Act, 2014.

2. The case of the prosecution is that Sub-Inspector of Police, Nalgonda II Town Police Station, on receipt of credible information, on 21.10.2021, rushed to Railway Station Park, Nalgonda along with his staff and apprehended Accused Nos.1 and 2 while they were trying to escape and seized 20 kgs. of ganja from the possession of Accused No.1 and 3 kgs. of ganja from the possession of Accused No.2.

3. Learned counsel for petitioner Sri Kiran Palakurthi submits that it is alleged that 3 kgs. of ganja was seized from the possession of petitioner. He submits that petitioner is unconnected with the alleged offence and he has been implicated by the police in cases one after the other. It is submitted that petitioner was arrested and remanded to judicial custody on 21.10.2021 and since then, he has been languishing in jail. Learned counsel submits that as the contraband seized is not a commercial quantity, the case of petitioner may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that so far four witnesses were examined and

about ten cases were registered against petitioner under the provisions of Indian Penal Code. As investigation is still pending, learned Assistant Public Prosecutor submits that petitioner is not entitled for grant of bail.

5. In response to the same, learned counsel for petitioner submits that petitioner has been implicated in this case and in fact, he was arrested in his house on 14.10.2021, but was shown to have been arrested on 21.10.2021 and remanded to judicial custody. He further submits that only for statistical purposes, this crime was registered against petitioner.

6. In view of the submission of learned counsel for petitioner, this Court directed learned Assistant Public Prosecutor to place the details of the case and also CC Tv footage, for which, learned Assistant Public Prosecutor submits that Investigating Officer concerned is placed under suspension.

7. Taking into the consideration the overall factual scenario, this Court deems it appropriate to grant bail to petitioner – Accused No. 2.

7. Accordingly, the 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 Judicial Magistrate of First Class, Nalgonda. Petitioner shall appear before the Station House Officer, Nalgonda II Town Police Station on every Sunday between 10.00 a.m. and 1.00 p.m. till trial is completed.

LALITHA KANNEGANTI, J

