

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9278 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No. 2 in Crime No. 106 of 2021 on the file of RPS, Warangal registered for the offence punishable under Section 8(c) read with Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 11.11.2021, at about 08.00 A.M., police conducted special check in Konark Express at Vijayawada Railway Station and before reaching Warangal Railway Station, police opened the bags of Accused Nos. 1 and 2 and found 20 kgs. of dry ganja.

3. Learned counsel for petitioner Sri Koushik Kanduri submits that contraband of 20 kgs. is seized in this crime and while weighing contraband, it was weighed with the bag and police failed to follow the procedure contemplated under the provisions of the NDPS Act. He submits that petitioner is unconnected with the alleged offences. It is stated that as contraband seized is not commercial quantity, case of petitioner may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that petitioner belongs to Orissa State and if he is enlarged on bail, it is difficult for prosecution to secure his presence during the course of trial.

5. Taking into consideration the fact that contraband seized is not a commercial quantity, there is no bar under Section

37 of the NDPS Act and as petitioner is languishing in jail since 11.11.2021 and as 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.2 shall be enlarged on bail in connection with Crime No. 106 of 2021 on the file of RPS., Warangal 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 Special Sessions Judge for NDPS Cases-cum-I Additional Sessions Judge, Warangal. Petitioner – Accused No. 2 shall not leave the State and shall appear before the police concerned on every Sunday between 10.00 a.m. and 2.00 P.M. till completion of trial.

16th December 2021

LALITHA KANNEGANTI, J

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