

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9850 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.1 in Crime No.346 of 2021 on the file of Nalgonda I Town Police Station, Nalgonda District, registered for the offence punishable under Section 20(b)(ii)(a) of Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 9 of NDPS (Amendment) Act, 2014, seeking bail.

2. The case of prosecution is that on 21.09.2021 at 12.50 hours, on credible information, the police rushed to Shiva Sai Indian Oil Filling Station, Miryalaguda, apprehended the accused and seized 800 grams of veed oil gel, one Bike Vespa and two mobile phones from their possession under a cover of panchanama.

3. Learned counsel for petitioner Sri P. Papaiah, submits that the petitioner is unconnected with the alleged offences and he has been implicated in this case falsely. Learned counsel submits that the contraband of 800 grams seized from the possession of petitioner is not a commercial quantity and the police failed to follow the procedure under the provisions of NDPS Act while conducting search and seizure. Learned counsel further submits that as petitioner is languishing in jail since 22.09.2021 i.e., from the last more than 97 days, and as he has no criminal antecedents, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the petitioner belongs to Visakhapatnam, Andhra Pradesh State. However, he does not dispute the fact that the petitioner has no criminal antecedents. He submits that 6 witnesses were examined and FSL report is awaited, and hence, he is not entitled for bail.

5. Taking into consideration the fact that contraband seized in this crime is 800 grams, which is not a commercial quantity and as petitioner is languishing in jail since 22.09.2021, and also there is nothing forthcoming to show that petitioner has criminal antecedents, this Court deems it appropriate to grant bail to him, however, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No.1 shall be enlarged on bail in connection with Crime No.346 of 2021 on the file of Nalgonda-I Town Police Station, Nalgonda District, 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 I Additional Sessions Judge, Nalgonda. Petitioner – Accused No.1 shall appear before the police till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m. However, the petitioner shall not leave the country without prior permission of the Court below.

LALITHA KANNEGANTI, J

29th December 2021

sj