

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9345 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No. 1 in Crime No. 227 of 2021 on the file of P.S. Kondamallepally registered for the offence punishable under Section 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that in the last week of September, 2021, petitioner purchased 2 kgs. of ganja in Orissa from Accused No.3 and sold the same to Accused No.2. It is alleged that Accused No.1 again went to Orissa State and purchased 2 kgs. of ganja and on 22.10.2021, at 09.30 a.m., at RTC bus stand, Kondamallepally, police apprehended him.

3. Learned counsel for petitioner Sri J.P. Srikanth submits that contraband of 2.1 kgs. is seized in this crime and petitioner has been languishing in jail from 22.10.2021. He submits that petitioner is unconnected with the alleged offence and he has been implicated in this case falsely. It is stated that as the contraband seized in this crime is not commercial quantity and as petitioner has no criminal antecedents, his case 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. He however, does not dispute the fact that petitioner has no criminal antecedents.

5. Taking into consideration the fact that contraband seized is 2.1 kgs. which is not a commercial quantity and further as nothing is forthcoming to show that petitioner is a habitual offender, this Court deems it appropriate to grant bail to him.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused No.1 shall be enlarged on bail in connection with Crime No. 227 of 2021 on the file of P.S. Kondamallepally 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 First Class Magistrate at Devarakonda. Petitioner – Accused No. 1 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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