

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9563 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.1 in connection with Crime No.296 of 2021 of Narkatpally Police Station, Nalgonda District, wherein the petitioner is alleged to have committed the offence punishable under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 27.10.2021 the Sub Inspector of Police, Narketpally, along with other staff, while conducting vehicle checking near New Vivera Hotel, two persons were getting down from the bus with two bags suspiciously. After checking the bags, they found 2 kgs. of ganja packets in each bag. Police seized total 4 kgs. of contraband and arrested the accused under the cover of mediators report. Basing on the said report, the 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 this petitioner is 2 kgs., which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act. He submits that the petitioner has 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 28.10.2021, as such his case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor does not dispute the fact that the petitioner is not having any criminal antecedents. He submits that so far eight witnesses were examined. As the investigation is still pending, the petitioner is not entitled for bail.

6. Taking into the consideration the fact that the contraband that is seized from the possession of the petitioner is only 2 kgs., which is not a commercial quantity, nothing is forthcoming that the petitioner is a habitual offender and there is no bar under Section 37 of the NDPS Act., this Court deems it appropriate to grant bail to the petitioner/A.1.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.1 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 (for Prohibition and Excise Offences), Nalgonda. On such release, the petitioner shall appear before the Station House Officer, Narketpally, 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: 22.12.2021
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