

THE HON'BLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION NO. 9858 of 2021

ORDER:

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973, seeking regular bail to the petitioners/A-1 and A-3 in connection with Crime No.125 of 2021 on the file of Palvoncha Rural Police Station, Bhadradi-Kothagudem District, wherein the petitioners, along with other accused, are alleged to have committed the offences punishable under Section 8(c) r/w 20(b) of NDPS Act, 1985.

2. The case of the prosecution is that the accused are in the habit of purchasing ganja from the cultivators in East Godavari District, and they used to sell for higher price to A2 and A3, who in turn, used to sell the same to the customers. On prior information, the police have conducted a raid at Nagaram Cross Road, outskirts of Jagannadhapuram Village, and found that there was a bargaining among the accused for purchase, and when the contraband being handed over to the accused, the police seized the same under a cover of panchanama and remanded the accused to judicial custody.

3. Learned counsel for the petitioners submits that A1 was already enlarged on bail, according to his instructions, and that as the petitioners are residing at Palvoncha, there is no chance of their non-availability for investigation as well as trial. He further submits that the petitioners are in custody since more than 5 months.

4. The learned Public Prosecutor opposed the request of the petitioner for grant of bail contending that the contraband is a commercial quantity.

5. As seen from the seizure report, there is no clarity from the investigating agency with regard to the actual seizure of contraband from

which of the accused. Though the quantity of ganja is commercial, such a lapse must go to the benefit of the accused at this stage. In these circumstances, their request for grant of regular bail can be considered by imposing certain conditions.

6. In the result, the petition is allowed and the petitioners/A-1 and A3 shall be enlarged on bail on their executing a personal bond for a sum of Rs.25,000/- (Rupees twenty-five thousand only) each with two sureties for a like sum each to the satisfaction of the III Additional Judicial First Class Magistrate at Kohagudem. On such release, the petitioners shall appear before the Station House Officer, Palvoncha Rural, Bhadradri-Kothagudem District, on every Sunday between 06:00 a.m. to 06:00 p.m. for a period of three months from today.

7. Consequently, miscellaneous applications pending, if any, shall stand closed.

M. LAXMAN, J

31st December, 2021

sj

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DATE: 31-12-2021

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