

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9887 of 2021

ORDER:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused No.5 seeking bail in the event of his arrest in connection with Crime No.387 of 2021 on the file of Khanapuram Haveli Police Station, Khammam District, registered for the offence punishable under Section 8(c) 20(b) of NDPS Act, 1985.

2. The case of prosecution is that on 03.11.2021 at 1500 hours, near Harvest School, Mamatha Road, Khammam, the police apprehended A1 and A2, and on enquiry, they seized 5 kgs of ganja from their motorcycle, under a cover of panchanama.

3. Learned counsel for petitioner Sri P. Ananth Nageswar Rao, submits that nothing has been seized from the possession of the petitioner and the only allegation against the petitioner is that the other accused have procured the said contraband to sell the same to petitioner. Learned counsel submits that basing on the confession of other accused, the petitioner has been arrayed as accused. He submits that the petitioner is working as Jail Warden and he has no criminal antecedents, and further, nothing has been recovered from him. Learned counsel submits that this Court has already granted bail to A1 to A4 in CrI.P.No.8694 of 2021 as the contraband seized is not a commercial quantity. Learned counsel submits that absolutely, there is no material on record to connect the accused to the alleged crime, except the confession made by the other accused, and it is not even the case of accused that they have sold the contraband to petitioner. Learned counsel also submits that the petitioner has no criminal antecedents and he is ready to cooperate with the investigation.

4. On the other hand, learned Assistant Public Prosecutor submits that the investigation is pending and the allegation against the petitioner is that ganja was procured by other accused to sell the same to petitioner. However, he does not dispute the fact that the other accused were already granted bail and the petitioner has no criminal antecedents.

5. This Court, generally, is not inclined to grant pre-arrest bail in NDPS cases. In this case, particularly, the allegation against the petitioner is that the other accused have procured contraband to sell the same to petitioner and they were arrested by the police. Taking into consideration the fact that the petitioner is a Jail Warden and he has no criminal antecedents and A1 to A4 were already granted bail, this Court deems it appropriate to grant pre-arrest bail to petitioner/A5.

6. The Criminal Petition is allowed. Petitioner – Accused No. 5 shall surrender before the Station House Officer, Khanapuram Haveli Police Station, Khammam District, in connection with Crime No.387 of 2021 within one week from today and on such surrender and executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer, they shall be released on bail. It is made clear that no further extension of time will be granted.

29th December 2021

LALITHA KANNEGANTI, J

sj