

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION Nos.9667 and 9851 of 2021

COMMON ORDER:

These Criminal Petitions under Sections 437 and 439 Cr.P.C., are filed by petitioners – Accused Nos.1 to 3 in Crime No.269 of 2021 on the file of Miryalaguda II Town Police Station, Nalgonda District, registered for the offence punishable under Section 20 (b) (ii) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”), seeking bail.

2. The case of the prosecution is that on 21.10.2021 at 5.00 a.m. on receipt of credible information, the Sub Inspector of Police, Miryalaguda II Town Police Station along with staff rushed to RTC Bus stand and arrested A-1 to A-3 while they were selling Ganja and seized 21 Kgs of Ganja under the cover of panchanama. Basing on the same, the present crime was registered.

3. Heard M/s J.Sunitha, learned counsel for petitioners and learned Assistant Public Prosecutor for respondent-State.

4. Learned counsel for the petitioners submits that as per the prosecution case, 21 Kgs of ganja was seized in this case. She submits that petitioners are unconnected with the alleged offence an they were arrested and remanded to judicial custody on 22.10.2021 and since then they are languishing in jail. She submits that while conducting seizure and search, police failed to follow the procedure contemplated under NDPS Act and the petitioners have no criminal antecedents, as such their case may be considered for grant of bail.

5. *Per contra*, learned Assistant Public Prosecutor submits that in this case A-4 and A-5 are absconding and 12 witnesses are examined and as the investigating is pending, petitioners are not entitled for bail.

7. Taking into consideration the fact that petitioners are languishing in jail from 22.10.2021 and as there are no criminal antecedents for petitioners, this Court deems it appropriate to grant bail to the petitioners.

8. Accordingly, this Criminal Petition is allowed. Petitioners / Accused Nos.1 to 3 shall be enlarged on bail on their executing each 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 Magistrate of First Class, Miryalaguda.

LALITHA KANNEGANTI, J

29th December 2021

PVD

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Allowed

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PVD