

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI
CRIMINAL PETITION No.235 of 2022

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.636 of 2020 of Sircilla Town Police Station, Rajanna Sircilla District, wherein the petitioner is alleged to have committed the offence punishable under Section 8(c) read with 20(B)(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 20.10.2020 at 1130 hours, the S.I of Sircilla Town Police Station along with his staff, while conducting Anti-Drug programme in Sircilla Town, they found one Bollero Vehicle bearing No.TS 09 PA 1259 near bus stand and one person moving under suspicious circumstances. When they tried to caught hold him, he took to heel and when catching him, he found in possession of four ganja packets in a plastic covers. During the course of interrogation, he said that he is a student and he was addicted to chew ganja and getting the same from the petitioner, who is doing the business of ganja clandestinely and getting wrongful monetary benefits. The police seized 200 grams kgs. of ganja and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.Erigi Ganesh, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that the alleged contraband of 200 grams is seized in this crime, which is not a commercial quantity, and there is no bar under Section 37 of the NDPS Act to grant bail. He submits that the

petitioner is a student, who is un-connected with the alleged offence and he has been implicated falsely in this case. The petitioner was arrested on 15.12.2021 and ever since he is languishing in jail. He further submits that petitioner has no criminal antecedents. Hence, petitioner's case may be considered for grant of bail.

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

6. Taking into the consideration the fact that the contraband that is seized is only 200 grams, which is not a commercial quantity, and there is no bar under Section 37 of the NDPS Act, and nothing is forthcoming to show that the petitioner is a habitual offender, 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 Magistrate of First Class at Sircilla. On such release, the petitioner shall appear before the Station House Officer, Sircilla Town Police Station, 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