

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI
CRIMINAL PETITION No.221 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.157 of 2021 of Nereducherla Police Station, Suryapet District, wherein the petitioner is alleged to have committed the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 14.10.2021, the Sub-Inspector of Police, Nereducherla Police Station, along with his staff, while conducting vehicle checking at Bharath Petrol Bunk in Nereducherla Town, at about 1000 hours, they stopped one auto, which was proceeding towards Miryalguda, and found A.1 under suspicious circumstances. On checking, they found 12.830 kgs. of ganja from the possession of the accused. The police seized the said ganja and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.B.Santosh Singh, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that the alleged contraband of 12.830 kgs. 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 has been implicated falsely in this case. He further submits that the petitioner was arrested on 14.10.2021 and ever since

he is languishing in jail. He further submits that petitioner has no criminal antecedents and is cooperating with the investigating agency. Hence, petitioner's case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits investigating is pending. Hence, at this stage, the petitioner is not entitled for bail. However, he does not dispute the fact that petitioner is not having any criminal antecedents. As the petitioner belongs to Maharashtra State, it is very difficult for the prosecution to secure his presence during the course of trial.

6. Taking into the consideration the fact that the contraband that is seized is only 12.830 kgs., 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 on certain conditions.

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 I Additional District Judge, Nalgonda. On such release, the petitioner shall appear before the Station House Officer, Nereducherla Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed. The petitioner shall cooperate with the investigation and shall not leave the State without prior permission of the concerned Court.

LALITHA KANNEGANTI, J