

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.299 of 2022

O R D E R:

This Criminal Petition under Sections 437 and 439 of Cr.P.C. is filed by petitioner – Accused No.4 seeking bail in connection with N.C.B.F.No.48/1/12/2021/NCB/SUB-ZONE/HYD, registered for the offence punishable under Section 8 (c) r/w 20, 28 & 29 punishable under Section 20 (b) (ii) (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”).

2. The case of the prosecution is that on 14.10.2021 at 0830 hours opposite to Alpha Hotel at the entrance of Sankar Mandal Road, Secunderabad, police seized 11.80 kgs of ganja from the possession of A-1 and A-2, while A-3 and petitioner (A-4) were about to receive the same from A-1 and A-2 under the cover of panchanama. Basing on the same, the present crime was registered.

3. Heard Smt.K.Pallavi, learned counsel for petitioner and Sri B.Narasimha Sarma, learned Standing Counsel for NCB.

4. Learned counsel for petitioner submits that petitioner is alleged to have committed the offence under the provisions of NDPS Act and he is arrayed as A-4. She submits that contraband of 11.8 Kgs was seized in this case. She submits that petitioner is unconnected with the alleged offence and nothing has been seized from the possession of petitioner and he has been implicated in this case. She further submits that petitioner is languishing in jail

from the last 98 days and there are no criminal antecedents to the petitioner, as such his case may be considered for grant of bail.

5. *Per contra*, B.Narasimha Sarma, learned Standing Counsel for NCB submits that entire investigation is completed and complaint is filed on 13.12.2021. They have collected the material i.e. analysis of CDR to show that petitioner's involvement in this case, as such, petitioner is not entitled for bail.

6. Taking into consideration the fact that entire investigation is completed and since the contraband seized is not a commercial quantity, bar under Section 37 of NDPS Act is not attracted. Further, there is nothing forthcoming to show that the petitioner is a habitual offender, this Court deems it appropriate to grant bail to the petitioner.

7. In the result, criminal petition is allowed and the petitioner / A-4 shall be enlarged on bail in connection with N.C.B.F.No.48/1/12/2021/NCB/SUB-ZONE/HYD on his executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of learned Metropolitan Sessions Judge, Hyderabad. On such release, petitioner shall appear before the police on every Sunday between 10.00 a.m. and 12.00 p.m. till completion of trial.

LALITHA KANNEGANTI, J

20th January, 2022

PVD

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

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20.01.2022

PVD