

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.363 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.335 of 2021 of Devarkonda Police Station, Nalgonda District, wherein the petitioner is alleged to have committed the offence punishable under Section 8(c) read with 20(b)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 28.10.2021, the Sub-Inspector of Police, Devarkonda Police Station, received credible information that two persons along with luggage bags are wondering at the outskirts of Devarkonda, he along with his staff rushed to the said place and found A.1 and A.2 found in possession of 23 kgs. of ganja. The police seized the said ganja from them and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

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

4. Learned counsel for the petitioner submits that the alleged contraband of 15 kgs. is seized from the possession of the petitioner, 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 was arrested and remanded to judicial custody on 29.10.2021 and ever since he is languishing in jail. He further submits that the petitioner is ready to cooperate with the

investigation and as he is languishing in jail from the last 110 days, his case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that in the remand report it is mentioned that the petitioner has confessed that he has earlier involved in NDPS case on the file of Paderu Police Station, Visakhapatnam, however, the crime number and other details are not mentioned. He submits that so far three witnesses were examined and A.3 is absconding. As the investigation is still pending, the petitioner is not entitled for bail, at this stage.

6. Taking into the consideration the fact that petitioner is languishing in jail from the last 110 days and as the contraband that is seized is 15 kgs., which is not a commercial quantity and as there is no bar under Section 37 of the NDPS Act, 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, Devarkonda, Nalgonda District. On such release, the petitioner shall appear before the Station House Officer, Devarkonda Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

LALITHA KANNEGANTI, J

Date: 16.02.2022

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