

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.351 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.120 of 2021 of Maddirala Police Station, Suraypet District, wherein the petitioner is alleged to have committed the offence punishable under Section 8(c) read with 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that the petitioner/A.1 and A.2 went to Annavaram and purchased ganja from unknown persons and on 14.11.2021 they left Annavaram and while going to Delhi to sell the ganja, at about 0530 hours when they reached Errapahad X Road, Polumalla Village of Maddirala Mandal, the policy party apprehended them and seized 26 kgs. of ganja. The police arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

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

4. Learned counsel for the petitioner submits that the alleged contraband of 26 kgs. is seized in this crime. He submits that petitioner was arrested and remanded to judicial custody on 14.11.2021 and ever since he has been languishing in jail. He further submits that the father of the petitioner is in critical condition, as he is suffering with liver disease

and admitted in hospital. It is submitted that the petitioner is 19 years old and has no criminal antecedents. Hence, his case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits investigation is pending and still A.3 is absconding. He submits that the petitioner belongs to Delhi and if he is enlarged on bail, at this stage, it is difficult for the prosecution to secure his presence during the course of trial. Hence, the petitioner is not entitled for bail.

6. Taking into the consideration the fact that petitioner is in judicial custody from 14.11.2021 and the health condition of the father of the petitioner, as nothing is forthcoming to show that 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 Sessions Judge, Nalgonda. On such release, the petitioner shall appear before the Station House Officer, Maddirala Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed. Further, the petitioner shall not leave the State without prior permission of the concerned Court.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 07.02.2022
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