

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 385 of 2022

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioners – Accused Nos. 1 and 2 in Crime No. 297 of 2021 on the file of Narketpally Police Station registered for the offence punishable under Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 29.10.2021, when Sub-Inspector of Police and staff conducted vehicle checking at Kamineni 'Y' Junction, apprehended accused persons and found 25 kgs. of ganja while transporting the same by TATA Nano car and basing on the complaint, this crime was registered.

3. Learned counsel for the petitioners Sri J.P. Srikanth submits that the petitioners are arrayed as Accused Nos. 1 and 2 and they are alleged to have committed the offence under the provisions of the NDPS Act. It is stated that as per the remand report, it is alleged that on 28.10.2021, both Accused Nos. 1 and 2 purchased 25 kgs. of ganja from one Vanthala Chittibabu at Rs.25,000/- and started to Hyderabad by TATA Nano car bearing Registration No. AP 30 N 9340 and when they reached Kamineni 'Y' Junction, they were nabbed by L.W.1 along with 25 kgs. of ganja. He submits that in this case, the petitioners were arrested and remanded to judicial custody on 29.10.2021 and while they were in remand, Accused No.1 was also arrayed as an accused in Crime No. 295 of 2021 on the file of Narketpally Police Station wherein it is alleged that Accused No.1 purchased contraband on 27.10.2021 from Accused No.2. The learned counsel submits that the

petitioners are unconnected with the alleged offences and only with an intention to implicate them, these cases are foisted. He submits that already Accused No.3 was granted bail by this Court *vide* order dated 05.01.2022 in Criminal Petition No. 10196 of 2021. He also submits that the petitioners have been languishing in jail from the last 110 days and as they are ready to cooperate with the investigation, their case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that investigation is still pending. He also submits that petitioner No.1 has criminal antecedents, hence, the petitioners are not entitled for grant of bail.

5. Taking into consideration the fact that the accused are languishing in jail from the last 110 days and as already Accused No.3 is granted bail, this Court deems it appropriate to grant bail to the petitioners also.

6. The Criminal Petition is therefore, allowed. Petitioners - Accused Nos. 1 and 2 shall be enlarged on bail in Crime No. 297 of 2021 on the file of Narketpally Police Station on each of them 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 First Class Magistrate for Prohibition & Excise Offences at Nalgonda. The petitioners shall appear before the police concerned till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

LALITHA KANNEGANTI, J

15th February 2022

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