

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.647 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.217 of 2021 of Thipparthi Police Station, Nalgonda 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 along with one Mosuri Kondababu were purchased ganja from A.2 and A.3 at cheaper rate and transported to Hyderabad, Delhi and Tamilnadu, to sell the needy persons at higher rate. In the month of May, 2021, as per the directions of Mosuri Kondababu, A.1 went to NAD junction situated at Vizag and handed over 8 kgs. of ganja to Lavakush Kumar and while transporting the ganja, the petitioner caught hold by the Police, Nalgonda. According to the petitioner, he was transporting the said ganja to Hyderabad via Vijayawada, Guntur, Miryalguda and Nalgonda. On 25.10.2021 morning, the petitioner got down from the bus in Miryalguda and boarded in an auto bearing No.TS 05 UB 5700 in order to proceed to Hyderabad and when he reached near Thipparthi

railway station, at about 1235 hours, the police Thipparty apprehended him along with 21.630 grams of ganja while conducting vehicle checking, under the cover of mediators report. Basing on the said report, the present crime was registered.

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

4. Learned counsel for the petitioner submits that the alleged contraband of 21.630 kgs. is seized in this crime. He submits that the petitioner is languishing in jail from the last 133 days and he is unconnected with the alleged offence. He further submits that while weighing the contraband, the police failed to follow the procedure contemplated under the provisions of NDPS Act. Hence, the petitioner's case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that investigation is still pending and A.2 and A.3 are absconding. He submits that petitioner is also involved in Crime No.208 of 2021. In view of the criminal antecedents, the petitioner is not entitled for bail, at this stage.

6. Taking into the consideration the fact that the petitioner is languishing in jail from the last 133 days, the contraband that is seized 21.630 kgs. and further taking into consideration the contention of the learned counsel for the petitioner that the prosecution failed to follow the procedure contemplated

under the provisions of NDPS Act with regard to weighing of contraband, 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.1,00,000/- (Rupees one lakh only) with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Nalgonda. On such release, the petitioner shall appear before the Station House Officer, Thipparthi Police Station, Nalgonda District, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

Miscellaneous petitions, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 07.03.2022

mar