

**THE HON'BLE SRI JUSTICE N.TUKARAMJI**

**CRIMINAL PETITION No.433 OF 2022**

**ORDER:**

This criminal petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 seeking regular bail by the 2<sup>nd</sup> accused in Crime No.434 of 2021 on the file of Khanapuram Haveli Police Station.

2. The case of the prosecution in brief is that on 23.12.2021, the accused was apprehended while the petitioner/A2 and another were in possession of three packets of ganja containing 3 kgs. Thus, the petitioner committed offence punishable under Section 8 (c) r/w. 20 (b) of the Narcotic Drugs and Psychotropic Substances Act.

3. Learned counsel for the petitioner denied the allegation and pleaded that the petitioner is working as Car Driver on rental basis and he is no way concerned with the offence. However, even as per the prosecution case, the petitioner was in possession of one kg., of ganja, which is less than the commercial quantity. However, the petitioner is in custody since 23.12.2021 and the investigation is almost completed. He is ready to furnish sureties and abide by the conditions that may be imposed by this Court. Hence, prayed for grant of bail.

4. Learned Assistant Public Prosecutor opposed the bail application and submits that in this case, in all 3 kgs., of ganja was seized from the possession of petitioner/A2 and the A1. The investigation is pending for FSL report and prayed for dismissal of the petition.

5. Heard and perused the record. Having regard to the quantum of contraband involved, duration of judicial custody undergone by the petitioner and the present stage of investigation reported by the prosecution, I am inclined to grant bail to the petitioner/A2, however subject to the following conditions.

(i) The petitioner/A2 is directed to be enlarged on bail in connection with Crime No.434 of 2021 on the file of Khanapuram Haveli Police Station on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for a like sum each to the satisfaction of the Special Sessions Judge for Trial of Cases Under Narcotic Drugs And Psychotropic Substances Act-cum-I Additional Sessions Judge at Khammam.

(ii) The petitioner/A2 shall furnish his residence and contact particulars to the Station House Officer, Khanapuram Haveli Police Station, and inform the changes, if any, from time to time.

(iii) The petitioner shall appear before the Station House Officer on every Sunday between 10:00 A.M. and 5:00 P.M., and also as and when required by the investigating officer for the purpose of investigation till filing of the final report.

(iv) The petitioner shall not commit any offence while on bail.

6. The Criminal Petition is accordingly allowed.

**N.TUKARAMJI, J**

Date:27.01.2022

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