

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 668 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused No. 1 in COR No. 82 of 2021 on the file of Prohibition & Excise Police Station, Qutbullapur registered for the offence punishable under Section 8(C) read with Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 27.10.2021, at about 01.10 p.m., the Inspector of Police along with District Task Force Team, Medchal, on reliable information, conducted raid and detected a case of illegal possession and sale of Hashish Oil at Chintal, Qutbullapur Mandal and arrested the petitioner. It is alleged that on enquiry, he revealed that himself and Accused No. 2 jointly conducted sale of Hashish oil and they purchased the contraband from Accused No.3. It is stated that contraband of 1.100 kgs. of Hashish Oil and Royal Enfield and mobile phone were seized from the possession of Accused No.1.

3. Learned counsel for the petitioner Sri B. Lokeswar Reddy submits that while weighing contraband, the police have failed to follow the procedure contemplated under the provisions

of the NDPS Act. It is submitted that if the contraband is weighed properly, it would have been less than the commercial quantity. It is submitted that the petitioner was arrested and remanded to judicial custody on 27.10.2021 and from the last 115 days, he has been languishing in jail. Learned counsel submits that the petitioner has no criminal antecedents, hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that investigation is still pending and so far, two witnesses were examined. He submits that Accused No.3 is absconding and at this stage, the petitioner is not entitled for grant of bail. He, however, does not dispute the fact that the petitioner has no criminal antecedents.

5. Taking into consideration the fact that the petitioner is languishing in jail from the last 115 days and as nothing is forthcoming to show that the petitioner is a habitual offender, this Court deems it appropriate to grant bail to the petitioner.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No. 1 shall be enlarged on bail in COR No. 82 of 2021 on the file of Prohibition & Excise Police Station, Qutbullapur 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 XXI Metropolitan Magistrate Court at Medchal. The petitioner shall appear before the police concerned till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

22nd February 2022

LALITHA KANNEGANTI, J

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