

Hon'ble Dr. Justice Chillakur Sumalatha

Criminal Petition No.567 of 2022

ORDER:

This is a petition filed under Section 439 Cr.P.C. seeking the Court to enlarge the petitioner on bail. The petitioner is arrayed as Accused No.3 in Crime No.237 of 2021 of Konaraopet Police Station, Rajanna Sircilla District, which is registered for the offence under Section 20 r/w 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard the submission of the learned counsel appearing for the petitioner/A3 and the learned Assistant Public Prosecutor, who is appearing for the respondent.

3. Learned counsel for the petitioner/A3 submits that the petitioner was arrested on 13.12.2021 and since then he is in judicial custody and the allegation is that the petitioner was in possession of 280 grams of Ganja, and indeed he is innocent and therefore, he is entitled to bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the petitioner/A3 is not innocent and 280 grams of Ganja was seized from his possession, however, the investigation has come to a conclusion as nine (9) witnesses were already examined.

5. Thus, in the light of above contentions and rival contentions, the point that arises for consideration is:

Whether the petitioner/A3 is entitled to bail as prayed for?

6. A perusal of the material available on record reveals that police seized 20 grams of Ganja from the possession of A1 and A2 and basing on their confessional statement, the Kirana shop of the petitioner was visited and 280 grams of Ganja was seized from that place. Thus, having regard to the quantity that was seized, and as the investigation is also at the fag end, this Court is of the view that it is desirable to enlarge the petitioner/A3 on bail conditionally, as prayed for.

7. Resultantly, the petition is allowed and the petitioner/A3 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 likesum each to the satisfaction of the Court of Judicial Magistrate of First Class, Rajanna Sircilla District. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.

The petitioner/accused No.3 shall oblige the following conditions:

- (i) The petitioner/Accused No.3 shall not leave Rajanna Sircilla District, for a period of one year, without obtaining permission from the Court concerned.
- (ii) The petitioner/accused No.3 should not involve in any unlawful activity.
- (iii) The petitioner/accused No.3 should afford all assistance for the proper investigation of the case.
- (iv) The petitioner/accused No.3 should not cause the evidence of the offence disappear.
- (v) The petitioner/accused No.3 should not tamper with the evidence in any manner.
- (vi) The petitioner/accused No.3 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.
- (vii) The petitioner/accused No.3 should ensure his presence whenever required by the Court or Police.
- (viii) Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the bail.

Miscellaneous petitions, if any, pending shall stand closed.

Dr. Justice Chillakur Sumalatha

31st January, 2022

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Date:31.01.2022

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