

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.679 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.2 in connection with Crime No.1123 of 2021 of Narsingi (CYB) Police Station, Cyberabad Commissionerate, wherein the petitioner is alleged to have committed the offences punishable under Sections 22, 8(1), 20(b)(ii)(B) and 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 21.09.2021, while the Sub-Inspector of Police, Narsingi Police Station, along with his staff, conducting patrolling duty, at about 1600 hours, they noticed one Grey colour Baleno car bearing No.Ts 08 HK 1905 was proceeding from Necknampur towards Puppalaguda Secretariat Colony and in that two persons were sat and while checking, they noticed ganja and in small cover some pills are found in the back seat of the car. The police seized 500 grams of ganja and 27 MDMA pills, weighing about 10.5 grams, from them and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.V.B.Raju Yadav, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that the police have arrested the petitioner on 21.09.2021 and he was confined beyond 24 years and was illegally detained by the police. He submits that they have

weighed the contraband along with wrapper and plastic packet, if they are excluded, then the seized contraband would be below commercial quantity. He further submits that the petitioner was arrested on 21.09.2021 and from the last 147 days, he is languishing in jail. He submits that petitioner has no criminal antecedents and he has completed his education and started doing job, as such, his case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that the petitioner has procured contraband from Goa and he wants to sell the same for higher price. He submits that investigation is pending and so far three witnesses were examined. He further submits that A.3 is still absconding. Hence, the petitioner is not entitled for bail, at this stage.

6. Taking into the consideration the contraband seized is 10.5 grams and as submitted by the petitioner that weight of the wrapper and plastic bag are not excluded, further the petitioner is languishing in jail from the last 147 days and nothing is forthcoming to show that the petitioner is a habitual offender, this Court deems it appropriate to grant bail to the petitioner/A.2.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.2 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 like sum each to the satisfaction of the XVI Additional Metropolitan Magistrate at Rajendranagar, Ranga Reddy District. On such release, the petitioner shall appear before the Station House Officer, Narsingi Police

Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

Date: 15.02.2022

LALITHA KANNEGANTI, J

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