

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.709 of 2022

O R D E R:

This Criminal Petition is filed under Sections 437 and 439 Cr.P.C seeking regular bail to the petitioner – Accused No. 23 in connection with Crime No.269 of 2021 of Nalgonda Rural Police Station, Nalgonda District, wherein the petitioner is alleged to have committed the offences punishable under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Section 9 Narcotic Drugs and Psychotropic Substances Amendment Act, 2014.

2. The case of the prosecution is that on 28.10.2021, on credible information, the Sub-Inspector of Police, Nalgonda Rural Police Station along with his staff rushed to Marriguda by-pass and while seeing the police, Accused Nos. 1 to 3 tried to escape. The police chased and caught hold of them and seized 20 kgs. of ganja and arrested them under the cover of a mediators report. During the course of interrogation, Accused Nos. 1 to 3 confessed that Accused Nos. 21 and 23 purchased ganja from Accused No.1 along with Accused No.3 at Dabbakota of G.K. Gudem Mandal of Visakhapatnam.

3. Learned counsel for the petitioner Sri P. Venkanna submits that nothing has been seized from the possession of the petitioner and basing on the confession of other accused, he is implicated in this crime. It is submitted that the petitioner is languishing in jail from 12.11.2021. He further submits that petitioner has no criminal antecedents, hence, his case may be considered for grant of bail.

4. On the other hand, learned Additional Public Prosecutor submits that so far, five witnesses were examined and as the investigation is still pending, the petitioner is not entitled for grant of bail. He however, does not dispute the fact that the petitioner is not having any criminal antecedents.

5. Taking into consideration the fact that the contraband seized is not a commercial quantity and as nothing is forthcoming to show that the petitioner is a habitual offender, this Court deems it appropriate to grant bail to him.

6. Accordingly, this Criminal Petition is allowed and the petitioner – Accused No. 23 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 Judicial First Class Magistrate (Special Mobile) at Nalgonda. On such release, the petitioner shall appear before the Station House Officer, Nalgonda Rural Police Station on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

LALITHA KANNEGANTI, J

3rd February, 2022

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