

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.778 of 2022

ORDER:

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 seeking regular bail to the petitioners/A-1, A2 and A6 in connection with Crime No.274 of 2021 of Miryalguda II Town Police Station, Nalgonda District, registered for the offence punishable under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 02.11.2021 at 1430 hours, the Sub-Inspector of Police, Miryalguda II Town Police Station, received credible information that A.1 and A.2 are settling ganja packets illegally in RTC bus stand at Miryalguda Town and on that he along with staff rushed to spot and apprehended A.1 and A.2 and seized one bag containing 3 kgs. of ganja and 5 small packets of ganja. During the course of investigation, A.1 and A.2 confessed that fifteen days back they sold 15 kgs. ganja to A3. The police went to the house of A3, where A3 along with A.4 and A.5 are repacking the ganja in small packets. The police arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.M.V. Hanumanta Rao, learned counsel for petitioners and learned Assistant Public Prosecutor for respondent-State.

4. Learned counsel for the petitioners submits that the alleged ganja seized in the crime is 3 kgs., which is not a commercial quantity and hence, there is no bar under Section 37 of the NDPS Act to grant bail to the petitioners. He submits that the petitioners are unconnected to the crime and they have been

implicated in this case falsely. He further submits that petitioners were arrested on 02.11.2021 and ever since they are languishing in jail and that A3 was granted bail by this Court by order dated 03.01.2022 in CrI.P.No.10097 of 2021. He submits that petitioners have no criminal antecedents and hence, their case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that so far eleven witnesses were examined. However, he does not dispute the fact that the petitioners have no criminal antecedents. As the investigation is still pending, the petitioners are not entitled for bail.

6. Taking into the consideration the fact that the contraband that is seized is only 3 kgs., which is not a commercial quantity, as such, there is no bar under Section 37 of the NDPS Act, and nothing is forthcoming to show that the petitioners are habitual offenders, this Court deems it appropriate to grant bail to the petitioners/A.1, A2 and A6.

7. Accordingly, this Criminal Petition is allowed and the petitioners/A1, A2 and A6 shall be enlarged on bail on their executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Miryalguda. On such release, the petitioners shall appear before the Station House Officer, Miryalguda II Town Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

As a sequel, all the pending miscellaneous applications shall stand closed.

LALITHA KANNEGANTI, J

4th February, 2022.

sj

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Date:04.02.2022

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