

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.670 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.3 in connection with Crime No.398 of 2021 of Nalgonda-I Town Police Station, Nalgonda District, wherein the petitioner is alleged to have committed the offence punishable under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 28.11.2021 at 1730 hours, the Sub-Inspector of Police, Nalgonda-I Town Police Station, on receiving credible information, he along with his staff rushed to the house of A.1, situated at Hyderkhanguda, Nalgonda, and seized 22 kgs. of ganja from the possession of A.1 to A.4 and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.Palle Sriharinath, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that the alleged contraband of 22 kgs. is seized in this crime. He submits that as far as this petitioner is concerned, it is stated in the remand report that the petitioner purchased 8 kgs. of ganja from A.5 and A.9, which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act to grant bail. The petitioner is implicated in this case falsely. He

was arrested on 29.11.2021 and since then he has been languishing in jail. He further submits that petitioner has no criminal antecedents. Hence, the petitioner's case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that so far six witnesses were examined. He does not dispute the fact that petitioner is not having any criminal antecedents. As the investigation is still pending, the petitioner is not entitled for bail, at this stage.

6. Taking into the consideration the fact that the contraband that is seized is only 8 kgs. from the petitioner, which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act, 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/A.3.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.3 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, Nalgonda. On such release, the petitioner shall appear before the Station House Officer, Nalgonda-I 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

Date: 01.02.2022
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