

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 774 OF 2022

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by the petitioner – Accused No. 8 seeking bail in the event of his arrest in connection with Crime No. 3 of 2019 on the file of Excise Police Station, Dhoolpet registered for the offences punishable under Sections 8(c) read with Section 20(6)(ii)(B) of NDPS Act.

2. The case of the prosecution is that on 02.01.2019, at about 06.15 p.m., the Sub-Inspector of Police along with his staff during routine check, seized 3.5 kgs. of dry ganja, two mobile phones, bank receipt and one bank pass book and Accused Nos. 1 and 2 were arrested and Accused Nos. 3 to 12 were shown as absconding and that a panchanama was conducted.

3. Learned counsel for the petitioner Sri T.S. Praveen Kumar submits that by the order dated 17.01.2019, the petitioner was granted bail for a period of 11 days from 18.01.2019 to 28.01.2019 and he is directed to surrender before the Court on or before 9.01.2019. He submits that as on the date of the incident, the petitioner was in judicial remand and he is unconnected with the alleged contraband or with the alleged crime and he has been implicated in this case. He further submits that in the panchanama, it is stated that earlier the other accused used to sell the contraband to the petitioner

and the petitioner used to pay Rs.7,500/-. Learned counsel submits that as far as this crime is concerned, the petitioner is unconnected, hence, his case may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submits that as per the panchanama, the petitioner is a habitual offender and he used to procure ganja from the other accused, as such, he is arrayed as Accused No.8. He submits that investigation is still pending and in view of the allegations, the petitioner is not entitled for pre-arrest bail.

5. Taking into consideration the fact that as on the date of incident, the petitioner was in judicial remand and further, even as per the panchanama, there is no allegation of involvement of the petitioner in this particular crime except stating that he used to purchase ganja from the other accused and used to pay Rs.7,500/ -. Generally, this Court is not entertaining pre-arrest bail petitions in NDPS offences, in view of the facts and circumstances of the case, this Court deems it appropriate to grant pre-arrest bail to him.

6. Accordingly, this Criminal Petition is allowed. Petitioner – Accused No. 8 shall surrender before the Station House Officer, Excise Police Station, Dhoolpet in connection with Crime No. 3 of 2019 within one week from today and on such surrender and executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum

each to the satisfaction of the said Station House Officer, he shall be released on bail. It is made clear that no further extension of time will be granted. The petitioner shall cooperate with the investigation and he shall appear before the police once in a week i.e. on every Saturday between 10.00 a.m. and 01.00 p.m. till filing of charge-sheet.

04th February 2022

LALITHA KANNEGANTI, J

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