

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 654 of 2022

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No. 1 in Crime No. 514 of 2021 on the file of Shamirpet Police Station registered for the offences punishable under Sections 20(b)(ii)(C) and 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 04.10.2021, at about 11.10 hours, on credible information, Sub-Inspector of Police along with staff intercepted white color TATA Indigo Car bearing Registration No. TS 01 ED 1299 at Outer Ring Road tollgate in Shamirpet limits and found 12 packets of ganja weighting total 24 kgs. and 22 small ganja packets weighting 270 grams in the dashboard and seized the same.

3. Learned counsel for petitioner Sri M. Amarnath submits that it is alleged that 20 kgs. of ganja was seized from the possession of petitioner and as the quantity is not commercial quantity, there is no bar under Section 37 of the NDPS Act to grant bail to him. He also submits that petitioner has no criminal antecedents. It is stated that petitioner was arrested and remanded to judicial custody on 04.10.2021 and since then, he has been languishing in jail. It is further stated that Accused Nos. 3 and 2 in this crime were already enlarged on bail, hence, the case of petitioner – Accused No.1 may also be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor does not dispute the fact that petitioner has no criminal antecedents and Accused Nos. 2 and 3 were already enlarged on bail. However, he submits that so far, four witnesses were examined and investigation is still pending, hence, petitioner is not entitled for grant of bail, at this stage.

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

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No. 1 shall be enlarged on bail in connection with Crime No. 514 of 2021 on the file of Shamirpet Police Station, Petbasheerabad Division, 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 XXIII Metropolitan Magistrate, Ranga Reddy District at Medchal. Petitioner – Accused No. 1 shall appear before the police till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

LALITHA KANNEGANTI, J

01st February 2022

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