

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.686 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 petitioners/A.1 and A.2 in connection with Crime No.326 of 2021 of Manuguru Police Station, B-Kothagudem District, wherein the petitioners are alleged to have committed the offence punishable under Section 8(c) read with 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 26.11.2021 in the evening hours, while the Sub-Inspector of Police, Manugur P.S., along with his staff conducting vehicle checking at Hanuman Temple area, they noticed accused coming in Auto bearing No.TS 28 T 9910 coming from Bhadrachalam side and going towards Manugur and on enquiry, they confessed to have purchased 6 kgs. of dry ganja at Bhadrachalam and transporting the same in three packets to sell at Manuguru. Basing on the said report, the present crime was registered.

3. Heard Mrs.Uma Devi Nama, learned counsel for petitioners, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioners submits that the alleged contraband of 6 kgs. is seized in this crime, which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act to grant bail. She submits that the petitioners are unconnected with the alleged offences and they are falsely implicated in this case. The petitioners were arrested on 26.11.2021 and since then they have been languishing in jail.

She further submits that petitioners have no criminal antecedents. Hence, the petitioners' case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that so far four witnesses were examined and A.3 to A.5 are still absconding. He does not dispute the fact that petitioners are not having any criminal antecedents. As the investigation is pending, the petitioners are not entitled for bail, at this stage.

6. Taking into the consideration the fact that the contraband that is seized is only 6 kgs. from the petitioners, which is not a commercial quantity and 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 and A.2.

7. Accordingly, this Criminal Petition is allowed and the petitioners/A.1 and A.2 shall be enlarged on bail on their executing personal bonds 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 I-Additional Sessions Judge, Khammam. On such release, the petitioners shall appear before the Station House Officer, Manuguru Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

Miscellaneous petitions pending, if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 01.02.2022
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