

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 695 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioners – Accused Nos. 2 and 3 in Crime No. 205 of 2021 on the file of Shaligouraram Police Station, registered for the offence punishable under Section 8 (C) read with Section 20(B)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that Accused Nos. 1 to 3 went to Rajahmundry in a car bearing Registration No. MH 22 T 5005 and purchased 21 kgs. of ganja in three plastic bags and while returning to their village, on 05.10.2021, on the way, near Choullagudem X Road, at the outskirts of Madhavaram Kalan Village of Shaligouraram Mandal, they found the police party conducting vehicle check, then Accused No.1 advised Accused Nos. 2 and 3 to get down the car along with ganja bags. Accordingly, Accused Nos. 2 and 3 got down the car along with three ganja bags and crossing the vehicle check point and came to the road from agriculture fields and while going to the car of Accused No.1, on observing the police, Accused Nos. 2 and 3 hurriedly put one plastic bag in Accused No.1's car and left from there. Later, Accused Nos. 2 and 3 were caught hold by the police along with 14 kgs. of ganja.

3. Learned counsel for the petitioners Sri T. Khasim Basha Vali submits that the petitioners are arrayed as Accused Nos.2 and 3 and it is alleged that contraband of 21 kgs. is seized in

this crime. He submits that the petitioners are unconnected with the alleged offence and while conducting search and seizure, police failed to follow the procedure contemplated under the provisions of the NDPS Act. He further submits that the petitioners were arrested and remanded to judicial custody on 06.10.2021 and since then, they have been languishing in jail, hence, their case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the petitioners belong to Maharashtra State and if they are enlarged on bail, it would be difficult for the prosecution to secure their presence during the course of trial. He further submits that investigation is in progress and Accused No.1 is still absconding, hence, the petitioners are not entitled for grant of bail. However, he does not dispute the fact that the petitioners have no criminal antecedents.

5. Taking into consideration the fact that the petitioners are languishing in jail from 06.10.2021 and as nothing is forthcoming to show that the petitioners have criminal antecedents, this Court deems it appropriate to grant bail to them, however, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioners - Accused Nos. 2 and 3 shall be enlarged on bail in Crime No. 205 of 2021 on the file of Shaligouraram Police Station on each of them 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 Additional Sessions Judge at Nalgonda. The petitioners - Accused Nos. 2 and 3 shall appear before the police

on every Sunday between 10.00 a.m. and 1.00 p.m. and they shall not leave the State till completion of trial.

03rd February 2022

LALITHA KANNEGANTI, J

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