

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 715 of 2022

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused No. 5 in Crime No. 274 of 2021 on the file of Miryalaguda II Town Police Station, registered for the offence punishable under Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 02.11.2021, on credible information, Sub-Inspector of Police and staff rushed to RTC Bus Stand at Miryalaguda Town and apprehended Accused Nos. 1 and 2 along with one bag containing 3 kgs. of ganja in two packets and five small packets. It is alleged that during the course of investigation, the Sub-Inspector of Police rushed to the house of Accused No.3 at Agrigold Venture, and while Accused No.3 along with Accused Nos. 4 and 5 are repacking the ganja, police apprehended them along with 10 kgs. of ganja.

3. Learned counsel for petitioner Sri Palle Sriharinath submits that the petitioner is arrayed as Accused No.5 and it is alleged that 10 kgs. of ganja is seized from his possession. He submits that the petitioner is unconnected with the alleged offence and he has been falsely implicated in this case. Further, it is submitted that the contraband seized is not a commercial quantity, as such, there is no bar under Section 37 of the NDPS Act to grant bail to the petitioner. He submits that the petitioner has no criminal antecedents.

4. On the other hand, learned Assistant Public Prosecutor submits that investigation is still pending and so far, 11 witnesses were examined. He, however, does not dispute the fact that the petitioner has no criminal antecedents.

5. Taking into consideration the fact that the contraband seized is 10 kgs. which is not a commercial quantity and as nothing is forthcoming to show that the petitioner has criminal antecedents, and as he is languishing in jail from the last 93 days, this Court deems it appropriate to grant bail to him.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No. 5 shall be enlarged on bail in Crime No. 274 of 2021 on the file of Miryalaguda II Town Police Station 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 I Additional District and Sessions Judge at Nalgonda. The petitioner - Accused No. 5 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

03rd February 2022

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