

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.728 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused No.4 in Crime No. 569 of 2021 on the file of Chaitanyapuri 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. The case of prosecution is that on 23.09.2021, at about 14.00 hours, on receipt of credible information that some persons were illegally transporting ganja from Rajahmundry to Hyderabad, Detective Inspector of Police along with staff conducted vehicle check at Astalakshmi Kaman, Kothapet, Chaitanyapuri, and stopped one vehicle bearing Registration No. TS 09 UC 6597 and found two persons along with driver with three bags consisting of packets which are packed by brown tape and on examination, they were found to be of ganja.

3. Mr.K.Satish Chakravarthy, learned counsel for the petitioner, submits that the petitioner is arrayed as Accused No.4 and it is alleged that contraband of 23.14 kgs. is seized in this crime. He submits that petitioner is unconnected with the alleged offence and he has been implicated falsely. Further, it is submitted that petitioner was arrested and remanded to judicial custody on 24.09.2021 and from the last 133 days, he has been languishing in jail. Learned counsel submits that nothing has been recovered from the possession of the petitioner and he is ready to

cooperate with the investigation. Hence, his case may be considered for grant of bail.

4. Learned Assistant Public Prosecutor, on the other hand, submits that so far, seven witnesses were examined and investigation is still pending. He, however, does not dispute the fact that petitioner has no criminal antecedents. He further submits that contraband seized in this crime is a commercial quantity, hence, the petitioner is not entitled for grant of bail.

5. Taking into consideration the fact that the petitioner is languishing in jail from the last 133 days and as nothing is forthcoming to show that the petitioner is habitual offender, this Court deems it appropriate to grant bail to the petitioner, however, on certain conditions.

6. The Criminal Petitions are therefore, allowed. Petitioner – Accused No.4 shall be enlarged on bail in connection with Crime No. 569 of 2021 on the file of Chaitanyapuri Police Station, on 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 VI Additional Metropolitan Magistrate –cum-VI AJCJ at L.B. Nagar. Petitioner – Accused No.4 shall appear before the police concerned on every Sunday between 10.00 a.m. and 2.00 P.M. till completion of trial.

LALITHA KANNEGANTI, J

Date: 03.02.2022

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