

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1022 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 petitioner/A.1 in connection with Crime No.210 of 2021 of Suryapet-I town Police Station, Suryapet District, wherein the petitioner is alleged to have committed the offence punishable under Section 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 25.11.20221, the Sub-Inspector of Police, Suryapet-I Town Police Station, along with his staff performing patrolling duty and at Eenadu Office area of Suryapet town, they found A.1 to A.3 moving under suspicious circumstances. On checking, they found two travelling bags containing 8 kgs of ganja packets. The police seized 8 kgs. of ganja from them and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.Velagani Narasimhulu, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that the alleged contraband of 8 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. He submits that the petitioner was arrested and remanded to judicial custody on 25.11.20221 and ever since he has been languishing in jail. He further submits that the petitioner has no criminal antecedents. The petitioner is

ready to cooperate with the investigation and ready to abide by the conditions imposed by this Court. Hence, the petitioner's case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that petitioner belongs to Odisha State and if he is enlarged on bail, at this stage, it is difficult for the prosecution to secure his presence during the course of trial. Hence, the petitioner is not entitled for bail, at this stage.

6. Taking into the consideration the fact that the contraband that is seized is only 8 kgs., 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 petitioner is a habitual offender, this Court deems it appropriate to grant bail to the petitioner/A.1.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.1 shall be enlarged on bail 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 Additional Judicial First Class Magistrate, Suryapet, Nalgonda District. On such release, the petitioner shall appear before the Station House Officer, Suryapet-I Town Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed. Further, the petitioner shall not leave the State without prior permission of the concerned Court.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 10.02.2022
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