

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.768 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.3 in connection with Crime No.120 of 2021 of Nadigudem Police Station, Suryapet District, wherein the petitioners are alleged to have committed the offence punishable under Section 8(c) read with 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 28.11.2021, the Sub-Inspector of Police, Nadigudem Police Station, on receiving credible information, he along with staff rushed to Nadigudem bus stand found A.1 to A.3. On seeing the police, A.1 to A.3 tried to escape, but the police caught hold and on checking, A.1 to A.3 found in possession of 46 kgs. of ganja. The police seized the said ganja from and arrested A.1 to A.3 under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.Ch. Ravinder, learned counsel for petitioners, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioners submits that both the petitioners are husband and wife, who are aged about 72 and 60 years respectively and they are eking out their livelihood by doing Hamali work. Even as per the remand report, both the petitioners are given Rs.2,000/- each for expenses to transport the ganja from Vizag to Nanded. He submits that the petitioners are labourers and they have no knowledge. He further submits that the petitioners are suffering with severe ailments. It is submitted that the petitioners were arrested on 28.11.2021 and from the last 93 days they are languishing in jail and they 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 46 kgs. of ganja is seized in this crime and investigation is pending. He submits that so far five witnesses were examined. As the petitioners belong to Maharashtra State, they do not have any data with regard to previous antecedents and if they are enlarged on bail, it is difficult for the prosecution to secure their presence during the course of trial. As such, the petitioners are not entitled for bail, at this stage.

6. Taking into the consideration the age of the petitioners, specific allegation against the petitioners that they are given Rs.2,000/- for expenses to transport ganja from Vizag to Nanded, further the contention

that they are doing Hamali work, this Court deems it appropriate to grant bail to the petitioners/A.1 and A.3 on certain conditions.

7. Accordingly, this Criminal Petition is allowed and the petitioners/A.1 and A.3 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 Principal Judicial First Class Magistrate, Kodad, subject to producing Aadhar cards and other relevant documents. On such release, the petitioners shall appear before the Station House Officer, Nadigudem Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed. Further, the petitioners shall not leave the State without prior permission of the concerned Court.

Miscellaneous petitions, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 02.03.2022

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