

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.890 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.2 in C.O.R.No.44 of 2021 on the file of Jubilee Hills Prohibition and Excise Station, Hyderabad, registered for the offence punishable under Section 8(c) read with 20(b)(ii) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 24.12.2021 at 12.30 pm, the Excise Officials have apprehended the accused at Road No.50 near H.No.1003, Jubilee Hills, Hyderabad, while they were in illegal possession of 13 kgs of dry ganja, and recovered the same under a cover of panchanama.

3. Learned counsel for petitioner Mr. P. Nageshwar Rao, submits that the petitioner was arrested and remanded to judicial custody on 24.12.2021 and since then, he is languishing in jail. He submits that the alleged contraband of 13 kgs is not a commercial quantity and as such, there is no bar under Section 37 of the NDPS Act to grant bail to the petitioner. Learned counsel submits that there are no criminal antecedents against the petitioner and hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the investigation is pending and so far two witnesses were examined and at this stage, the petitioner is not entitled for bail. However, he does not dispute the fact that petitioner has no criminal antecedents.

5. Taking into consideration the fact that contraband seized in this crime is 13 kgs, which is not a commercial quantity and as the

petitioner is languishing in jail since 24.12.2021, and also there is nothing forthcoming to show that petitioner has criminal antecedents, this Court deems it appropriate to grant bail to him, however, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No.2 shall be enlarged on bail in connection with C.O.R.No.44 of 2021 on the file of Jubilee Hills Prohibition and Excise Station, Hyderabad, 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 XVII Additional Chief Metropolitan Magistrate, Nampally. Petitioner – Accused No.2 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

8th February, 2022

sj