

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 850 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused No. 1 in Crime No. 156 of 2021 on the file of Penpahad 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. Prosecution alleges that on 26.10.2021, while the police were performing patrolling from Penpahad to Singareddipalem Village, near Anantharam X Roads, they noticed the petitioner coming on foot with three carry bags. It is stated that the police caught him and checked carry bags and found ganja. On interrogation, the petitioner confessed his guilt and from his possession, 10 packets of ganja weighing 2 kgs. each and one packet weighing 1 kg. were seized.

3. Learned counsel for the petitioner Sri M. Tarak Abhilash submits that the petitioner was arrested and remanded to judicial custody on 26.10.2021 and since then, he has been languishing in jail. Learned counsel submits that the petitioner is unconnected with the case and he has been

implicated in this crime. He submits that it is alleged that contraband of 21 kgs. is seized in this crime. He further submits that the petitioner has no criminal antecedents, hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the petitioner has no criminal antecedents insofar NDPS offences are concerned, however, he submits that PD Act is invoked against the petitioner. He submits that the petitioner belongs to Maharashtra State and if he is enlarged on bail, it would be very difficult for the prosecution to secure his presence during the course of trial. Learned Assistant Public Prosecutor submits that Accused Nos. 2 and 3 are absconding and so far, four witnesses were examined and at this stage, 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 114 days and as there are no criminal antecedents as far as NDPS offences are concerned, this Court deems it appropriate to grant bail to the petitioner, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No. 1 shall be enlarged on bail in Crime No.

156 of 2021 on the file of Penpahad Police Station on his executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two local sureties for a like sum each to the satisfaction of the Additional Judicial First Class Magistrate, Suryapet. The sureties shall produce Aadhar Card and other relevant documents. The petitioner shall appear before the police concerned till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m. Further, he shall not leave the State without prior permission of the Court concerned.

LALITHA KANNEGANTI, J

22nd February 2022

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