

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.929 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioners – Accused Nos.1 and 2 in Cr.No.252 of 2021 on the file of Suryapet Rural Police Station, Suryapet District, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 02.11.2021 at 10.00 hours, on credible information, while the Sub-Inspector of Police along with his staff was conducted vehicle checking at Janagaon Cross Road, they found the accused in suspicious manner, and on search of two bags, they seized total 11 kgs of ganja and they seized the same under a cover of panchanama.

3. Learned counsel for petitioners Mr. J.P. Srikanth, submits that the petitioners are innocent and they are unconnected with the alleged offences and even the contraband seized from the possession of the accused is not a commercial quantity. He submits that the petitioners have no criminal antecedents and they are languishing in jail since 02.11.2021 and hence, their case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the petitioners belong to Mumbai and Bihar States and if they are enlarged on bail, it is difficult for the prosecution to secure their presence during the course of trial. He further submits that the investigation is pending and so far, 4 witnesses were examined and at this stage, the petitioners are not entitled for bail. However, he does not dispute the fact that the petitioners have no criminal antecedents.

5. Taking into consideration the fact that the contraband seized in this crime is 11 kgs, which is not a commercial quantity and as the petitioners are languishing in jail since 02.11.2021, and also there is nothing forthcoming to show that petitioners have criminal antecedents, this Court deems it appropriate to grant bail to them, however, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioners - Accused Nos.1 and 2 shall be enlarged on bail in connection with Cr.No.252 of 2021 on the file of Suryapet Rural Police Station, Suryapet District, on their executing a personal bond 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 Additional Judicial First Class Magistrate at Suryapet. Petitioners – Accused Nos.1 and 2 shall appear before the police till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m. However, the petitioners shall not leave the State without prior permission of the Court below.

LALITHA KANNEGANTI, J

8th February, 2022

sj

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Date:08-02-2022

sj

