

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.939 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.2 in connection with Crime No.112 of 2021 of Maddirala Police Station, Suraypet District, wherein the petitioner is 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 11.10.2021, the Deputy Superintendent of Police, Thungathurthy circle, received credible information that two persons moving under suspicious circumstances by carrying two bags at Errapahad X road on NH-365, at the outskirts of Polumalla Village. Then, he rushed to the spot along with his staff and apprehended A.1 and A.2, who are carrying two college bags, and in search they found ganja in 9 plastic parcels of ganja in two bags, weighing 20 kgs. 610 grams of ganja, and seized the same from their possession under cover of panchanama. Basing on the said report, the present crime was registered.

3. Heard Mr.J.P.Srikanth, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that the alleged contraband of 20 kgs. 610 grams is seized in this crime. The petitioner belongs to Uttar Pradesh and he has nothing to do with the alleged offence and he has been implicated in this case falsely. He submits that petitioner was arrested and remanded to judicial custody on 12.10.2021 and from the last 120 days he has been languishing in jail. He further submits that the petitioner is ready to

cooperate with the investigation. Hence, his case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits petitioner belongs to Uttar Pradesh 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. He submits that he does not dispute the fact that petitioner has no criminal antecedents. He further submits that investigation is pending and so far four witnesses were examined. Hence, at this stage, the petitioner is not entitled for bail.

6. Taking into the consideration the fact that petitioner is in judicial custody from the last 120 days and nothing is forthcoming to show that petitioner is a habitual offender, this Court deems it appropriate to grant bail to the petitioner/A.2 on certain conditions.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.2 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 Judicial First Class Magistrate, Thungathurthy. On such release, the petitioner shall appear before the Station House Officer, Maddirala 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: 08.01.2022
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