

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1023 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.1 in connection with Crime No.276 of 2021 of Mangalhat Police Station, Hyderabad, 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 29.10.2021 at about 1710 hours, the petitioner was caught hold by the police at Mahalaxmi Tiffin Center, Aghapura, Mangalhat, Hyderabad, while he was in possession of 20.5 kgs. of ganja. The police seized the said ganja and arrested the petitioner under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.A.Prabhakar Rao, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that the alleged contraband of 20.5 kgs. is seized in this crime. He submits that the petitioner was arrested and remanded to judicial custody on 29.10.2021 and ever since he is languishing in jail. He further submits that no contraband is seized from the possession of the petitioner and the contraband was also not weighed properly. The police, with an intention to implicate the petitioner in this case, shown the quantity as 20.5 kgs, thus, the rigor of Section 37 of the NDPS Act will apply. Learned counsel submits that earlier the petitioner was implicated in NDPS case in the same manner. Further, basing on the confession of co-accused, the petitioner ought not to have arrayed as accused in this case. Hence, the petitioner's case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that investigation is still pending and so far three witnesses were examined. He submits that A.3 is absconding. As the petitioner is accused in another case registered for the offence under the provisions of NDPS Act, he is not entitled for bail, at this stage.

6. Taking into the consideration the fact that the petitioner is languishing in jail from 29.10.2021 and further taking into consideration the contention of the learned counsel for the petitioner that the prosecution

failed to follow the procedure contemplated under the provisions of NDPS Act with regard to weighing of contraband, this Court deems it appropriate to grant bail to the petitioner/A.1 on certain conditions.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.1 shall be enlarged on bail on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties for a like sum each to the satisfaction of the I Additional Metropolitan Sessions Judge, Hyderabad. On such release, the petitioner shall appear before the Station House Officer, Mangalhat Police Station, Hyderabad District, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

Miscellaneous petitions, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 07.03.2022

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