

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**CRIMINAL PETITION No.1042 of 2022****ORDER:**

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.5 in Crime No. 232 of 2021 on the file of Khammam (I) Town Police Station, Khammam District, registered for the offence punishable under Section 8(c) read with Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 27.09.2021, at about 9.00 hours, on credible information, Sub-Inspector of Police and staff while conducting vehicle check at Khilla Bazar Centre, five persons were found coming on motor cycles towards that centre and on check, they found ganja in tank cover of Hondo Dio vehicle. It is alleged that Accused No.1 confessed that he hatched a plan with other accused about five days back and they went to Sileru area in Hyundai Xcent car bearing Registration No. TS 29 L 2658 and purchased 30 Kgs. ganja from unknown persons for low rate and packed the same in 15 packets to sell the same to customers for a higher price.

2. Learned counsel for petitioner Sri M.V. Hanumantha Rao submits that the petitioner is unconnected with the alleged offence and nothing has been seized from his possession. Learned counsel submits that basing on the confession, petitioner ought not to have been arrayed as accused when nothing was seized from his possession. It is submitted that petitioner was arrested and remanded to judicial custody on 27.09.2021 and since then, he is languishing in jail and he has no criminal antecedents, hence, his case may be considered for grant of bail.

3. On the other hand, learned Assistant Public Prosecutor submits that commercial quantity of 30 kgs. of contraband is seized in this crime and that so far, five witnesses were examined and FSL report is awaited and investigation is still pending. Hence, the learned Assistant Public Prosecutor submits that petitioner is not entitled for grant of bail.

4. Taking into consideration the fact that petitioner is languishing in jail from the last four and half months and as nothing is forthcoming to show that petitioner has criminal antecedents, this Court deems it appropriate to grant bail to him.

5. The Criminal Petition is therefore, allowed. Petitioner - Accused No. 5 shall be enlarged on bail in Crime No. 232 of 2021 on the file of P.S. Khammam I Town on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees one lac only) with two sureties for a like sum each to the satisfaction of the I Additional Judicial First Class Magistrate at Khammam. The petitioner – Accused No. 5 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

11th February, 2002.

sj

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Date:11.02.2022

sj