

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1052 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.168 of 2021 on the file of Nampally Police Station, Nalgonda District, registered for the offence punishable under Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 05.11.2021 at 0900 hours, on credible information, the Sub-Inspector of Police along with his staff rushed to Nampally bus stand, where they found A1 and A2 in suspicious circumstances and on search, they seized 14.800 kgs of ganja from them under a cover of panchanama.

3. Learned counsel for petitioners Mr. A. Nehru, submits that the petitioners were arrested and remanded to judicial custody on 05.11.2021 and they are languishing in jail from the last 97 days. He further submits that the contraband seized from the possession of the accused is not a commercial quantity and as such there is no bar under Section 37 of the NDPS Act. He submits that the petitioners have no criminal antecedents and they are ready to cooperate with the investigation and to comply with any of the conditions imposed by this Court.

4. On the other hand, learned Assistant Public Prosecutor submits that A3 is absconding and as the petitioners belong to Maharastra State, they do not have any data with regard to their criminal antecedents and if they are enlarged on bail, it is difficult for the prosecution to secure their presence during the course of trial. He

submits that the investigation is pending and so far, 5 witnesses were examined and at this stage, the petitioners are not entitled for bail.

5. Taking into consideration the fact that the contraband seized in this crime is 14.800 kgs, which is not a commercial quantity and as the petitioners are languishing in jail since 05.11.2021, 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.168 of 2021 on the file of Nampally Police Station, Nalgonda 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 Judicial First Class Magistrate at Devarakonda, Nalgonda District. 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

10th February, 2022

sj

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Date:10-02-2022

sj