

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1210 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused No. 2 in Crime No. 214 of 2021 on the file of Shaligouraram Police Station, Nalgonda 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. Prosecution alleges that on 26.10.2021, on credible information, the Sub-Inspector of Police along with his staff rushed to 'Y' junction outskirts of Perakondaram village, found two persons under suspicious circumstances, and on search, they seized 21 kgs of ganja from their possession under a cover of panchanama and thereafter, based on the confession of A2, they recovered 2 kgs of ganja from his house under a cover of panchanama.

3. Learned counsel for the petitioner Smt. Annapurna Sreeram submits that the petitioner is arrayed as A2 and is alleged to have committed the offence under the provisions of NDPS Act. She submits that the petitioner was arrested and remanded to judicial custody on 27.10.2021 and since then, he is languishing in jail. She further submits that A1 was already enlarged on bail by the Court

below. Learned counsel submits that in this crime, total contraband of 23 kgs is seized, and from the possession of the petitioner, only 2 kgs of ganja is seized, which is not a commercial quantity, as such, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the petitioner/A2 has given a sum of Rs.20,000/- to A1 as advance and on 25.10.2021, A1 has purchased 21 kgs of ganja from A3 and on the way, A1 has made phone call to A2 about bringing of ganja and then, A2 has directed A1 to come to his native village and while A1 and A2 were chit chatting, police caught hold of the accused and recovered the contraband. He submits that the alleged contraband of 23 kgs is a commercial quantity and further, the petitioner has criminal antecedents as he is involved in about two cases in the year 2016 and one more case in the year 2020. He submits that A3 is absconding and the investigation is pending and so far, 4 witnesses were examined, as such petitioner is not entitled for bail.

5. Taking into consideration the fact that the contraband that is seized from the possession of petitioner is 2 kgs, which is not a commercial quantity, this Court deems it appropriate to grant bail to him, however, on certain conditions as he has criminal antecedents.

6. The Criminal Petition is allowed. The petitioner –Accused No.2 shall be enlarged on bail in connection with Crime No. 214 of

2021 on the file of Shaligouraram Police Station, Nalgonda District, 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 Judicial First Class Magistrate, Nakrekal. The petitioner shall appear before the police concerned till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

11th March, 2022
sj

LALITHA KANNEGANTI, J