

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1315 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. 269 of 2021 on the file of Nalgonda Rural Police Station registered for the offence punishable under Sections 9 and 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 28.10.2021, on credible information, Sub-Inspector of Police along with his staff went to Bypass Road, Nalgonda Town and apprehended Accused Nos. 1 to 3 in suspicious circumstances. It is alleged that on search, the police found 20 kgs. of ganja in the possession of the accused and seized the contraband and mobile phones under the cover of a panchanama.

3. Learned counsel for the petitioner Mr. T.S.Praveen Kumar submits that contraband of 20 kgs. is seized in this crime. He submits that the petitioner was arrested and remanded to judicial custody on 28.10.2021. It is stated that the petitioner has not committed the alleged offence and is unconnected with the same. Learned counsel submits that even as per the case of the prosecution, contraband that is seized is 20 kgs., which is not a commercial quantity, as such, there is no bar under Section 37 of the NDPS Act to

grant bail to the petitioner. He submits that the petitioner is ready to cooperate with the investigation and as he is languishing in jail since 28.10.2021, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the petitioner is a habitual offender and he is also an accused in Crime No. 144 of 2019 registered under the provisions of the NDPS Act, hence, he is not entitled for grant of bail.

5. Taking into consideration the fact that the contraband that is seized is 20 kgs. and as the petitioner is languishing in jail since 28.10.2021, this Court deems it appropriate to grant bail to him, however, on certain conditions.

6. The Criminal Petition is allowed. The petitioner –Accused No.2 shall be enlarged on bail in connection with Crime No. 269 of 2021 on the file of Nalgonda Rural Police Station 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 (Special Mobile), Nalgonda. 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.

LALITHA KANNEGANTI, J

11th March, 2022
sj