

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 1200 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused No. 1 in NCB.F.No. 48/1/12/2021/NCB/SUB-ZONE/HYD of the Narcotics Control Bureau Branch (NCB), Hyderabad Sub-Zone registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(B) and Sections 27(A), 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 14.10.2021, on specific information, the NCB team seized 11.8 kgs. dark brown colour substance purported to be ganja at a place opposite to Alpha Hotel at the entrance of Shankar Mandal Road, Secunderabad and arrested four persons i.e. Accused Nos. 1 to 4 .

3. Learned counsel for the petitioner, Sri M.a.K.Mukheed, submits that the petitioner is alleged to have committed the offence under the provisions of the NDPS Acct and 11.8 kgs. of contraband is seized in this crime. He submits that the petitioner has not committed the alleged offence and he has been implicated in this case. He further submits that even as per the case of the prosecution, contraband of 11.8 kgs. is seized which is not commercial quantity. Further, it is submitted that the petitioner was arrested and remanded to judicial custody on 15.10.2021. Learned counsel submits that Accused Nos. 3

and 4 were already granted bail by this Court *vide* order dated 04.01.2022 in Criminal Petition No. 10158 of 2021 and order dated 20.01.2022 in Criminal Petition No. 292 of 2022 on the ground that contraband seized is not commercial quantity. He submits that the case of the petitioner may also be considered for grant of bail as he is languishing in jail for the last 123 days.

4. On the other hand, learned Standing Counsel for NCB Sri B. Narsimha Sharma submits that the petitioner is a habitual offender and Crime No. 34 of 2021 was registered against him under the provisions of the NDPS Act. He submits that the entire investigation is completed and charge sheet is filed, however, as the petitioner is a habitual offender, he is not entitled for grant of bail.

5. Taking into consideration the fact that contraband seized is not commercial quantity and further, Accused Nos. 3 and 4 were already enlarged on bail, this Court deems it appropriate to grant bail to the petitioner also.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No. 1 shall be enlarged on bail in NCB.F.No. 48/1/12/2021/NCB/SUB-ZONE/HYD on the file of Narcotics Control Bureau Branch (NCB), Hyderabad Sub-Zone 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 XXII Additional Metropolitan Magistrate, Hyderabad at Secunderabad. The petitioner – Accused No.1 shall appear before the authorities till

completion of trial on every Sunday between 10.00 a.m. and 1.00
p.m. till completion of trial.

LALITHA KANNEGANTI, J

Date: 16.02.2022

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