

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 1291 of 2022

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused No. 1 in Crime No. 355 of 2021 on the file of Kodad Town Police Station registered for the offence punishable under Section 8(C) read with Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 11.10.2021, at 11.00 hours, the Sub-Inspector of Police along with staff while conducting bus checking in bus station area, found one person in suspicious manner. On interrogation, he revealed his name as Ramavath Sursh Rathode and he was transporting ganja to Hyderabad. The Sub-Inspector of Police seized 20 kgs. of ganja and mobile phones from the possession of the petitioner.

3. Learned counsel for the petitioner *Ms. J. Sunitha* submits that the petitioner was arrested and remanded to judicial custody on 11.10.2021 and from the last 120 days, he has languishing in jail. She submits that the petitioner is a labourer and is unconnected with the alleged offence and basing on the confession of the other accused, he has been implicated in this case. It is submitted that contraband seized is not commercial quantity, as such, there is no bar under Section 37 of the NDPS Act to grant bail to the petitioner. She further submits that the petitioner has no criminal antecedents, hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that investigation is still pending and so far, six witnesses were examined and at this stage, the petitioner is not entitled for grant of bail. He however, does not dispute the fact that the petitioner has no criminal antecedents.

5. Taking into consideration the fact that the contraband seized is 20 kgs. which is not a commercial quantity, as the petitioner is languishing in jail from the last 120 days and as nothing is forthcoming to show that the petitioner is a habitual offender, this Court deems it appropriate to grant bail to the petitioner.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No. 1 shall be enlarged on bail in Crime No. 355 of 2021 on the file of Kodad Town 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 Principal Judicial First Class Magistrate at Kodad. 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

17th February 2022

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