

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**CRIMINAL PETITION No.1670 of 2022**

**ORDER:**

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/A.5 in connection with C.O.R.No.62 of 2021 of Prohibition and Excise Police Station, Balanagar, wherein the petitioner is alleged to have committed the offence punishable under Section 8(c) read with 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 23.10.2021 at 1.10 p.m., the DTF Medchal party detected a case of NDPS substance and found that A.1 to A.3 are in possession of 4.926 kgs. of Mephodrone and 400 grams of Alphrazolam. The police seized said NDPS substance from them and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.Laxmaiah Kanchani, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that the recovery was made from A.1 to A.3 and there are no allegations against this

petitioner. Basing on the confession of A.3, the petitioner is implicated in this case falsely. He submits that it is the confession of A.3 that A.4 has referred the name of the petitioner and panchanama is also not clear whether the said contraband is procured from the petitioner. He further submits that without there being any basis, the petitioner has been arrayed as accused and he was remanded to judicial custody on 09.11.2021 from the last 108 days he has been languishing in jail. Hence, the petitioner's case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that as the contraband seized in this crime is commercial quantity and in view of the bar under Section 37 of the NDPS Act, the petitioner is not entitled for bail. However, he does not dispute the fact that the panchanama is not clear about the contraband that was procured from the petitioner.

6. Taking into the consideration the fact that there is no specific allegation that the contraband is procured from the petitioner, this Court deems it appropriate to grant bail to the petitioner/A.5.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.5 shall be enlarged on bail 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 VII Metropolitan Magistrate-cum-Excise Cases, L.B.Nagar. On such release, the petitioner shall appear before the Station House Officer, Prohibition and Excise Police Station, Balanagar, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

Miscellaneous petitions, pending if any, shall stand closed.

---

**LALITHA KANNEGANTI, J**

Date: 25.02.2022

mar