

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1523 of 2022

ORDER:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – A-4 seeking bail in the event of his arrest in connection with Crime No.209 of 2021 on the file of Lallaguda Police Station, Gopalapuram Division, Secunderabad, registered for the offence punishable under Section 20(b)(ii)(A) of NDPS Act, 1985.

2. The case of prosecution is that on 22.11.2021 at 15.30 hours, on reliable information, the Sub-Inspector of police along with his staff rushed to M/s.Lal Pan Mahal Shop, Lalapet, Secunderabad, found three persons on suspicious circumstances and on enquiry, they disclosed their names, and on search, the police seized 250 grams of ganja under a cover of panchanama.

3. Learned counsel for petitioner Mr. Ch. Ravinder, submits that the petitioner has been implicated in this case based on the confession of the other accused that they have purchased ganja from the petitioner on 16.11.2021. Learned counsel submits that the petitioner was languishing in jail in connection with Cr.No.156 of 2021 from 07.10.2021 and by order dated 22.11.2021 in CrI.M.P.No.3804 of 2021 in Cr.No.156 of 2021, he was granted bail by the Court below and he was released on 23.11.2021. He submits that for statistical purpose,

the police have implicated the petitioner in this crime. Learned counsel submits that the petitioner is unconnected with the alleged offences and it is purely an abuse of process of law and hence, his case may be considered for grant of pre-arrest bail.

4. On the other hand, learned Assistant Public Prosecutor submits that basing on the confession of the other accused that the petitioner has supplied the alleged contraband, he was arrayed as accused. He submits that the investigation is pending and so far 3 witnesses were examined and as such, the petitioner is not entitled for pre-arrest bail.

5. Taking into consideration the fact that it is the confession of the other accused that they have purchased ganja from the petitioner on 16.11.2021, on which date, the petitioner was languishing jail and released on bail on 23.11.2021. It appears that as on the date of alleged purchase of contraband, the petitioner was in jail. Hence, this Court deems it appropriate to grant pre-arrest bail to petitioner/A4.

6. The Criminal Petition is allowed. Petitioner– Accused No.4 shall surrender before the Station House Officer, Lallaguda Police Station, Gopalapuram Division, Secunderabad, in connection with Crime No.209 of 2021 within one week from today and on such surrender and executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer, he shall be

released on bail. It is made clear that no further extension of time will be granted.

24th February, 2022

LALITHA KANNEGANTI, J

sj