

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1478 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.1 in Crime No.214 of 2021 on the file of Shaligouraram Police Station, Nalgonda District, 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. The case of the prosecution is that on 26.10.2021 at 1345 hours, on reliable information, the Sub-Inspector of Police along with his staff rushed to 'Y' junction at the outskirts of Perakondaram village, found two persons carrying with a bag under suspicious circumstances, and on search, they seized 21 kgs of ganja under a cover of panchanama.

3. Learned counsel for petitioner Mr. Palle Sriharinath submits that the petitioner is arrayed as A1 and it is alleged that the contraband of 21 kgs is seized from the possession of A1 and A2. He submits that the police have failed to follow the procedure as contemplated under the provisions of NDPS Act while conducting search and seizure and if they weighed the contraband properly, it would have less than the commercial quantity and as

they failed to follow the procedure, petitioner has to satisfy the conditions under Section 37 of the NDPS Act. He further submits that the petitioner was arrested and remanded to judicial custody on 27.10.2021 and from the last 121 days, he is languishing in jail. Learned counsel submits that the petitioner has no criminal antecedents and hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor does not dispute the fact that the petitioner has no criminal antecedents. He submits that A3 is absconding and the investigation is pending and so far, 4 witnesses were examined. He further submits that as the contraband seized is a commercial quantity, the petitioner is not entitled for grant of bail.

5. Taking into consideration the fact that petitioner is languishing in jail from the last 121 days and as nothing is forthcoming to show that petitioner has criminal antecedents, this Court deems it appropriate to grant bail to him.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No.1 shall be enlarged on bail in Crime No.214 of 2021 on the file of Shaligouraram Police Station, Nalgonda District, 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 I Additional District and Sessions Judge at

Nakrekal, Nalgonda District. The petitioner – Accused No.1 shall appear before the police till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

LALITHA KANNEGANTI, J

23rd February, 2022.

sj

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Date:23.02.2022

sj