

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1503 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 petitioners/A.1 and A.2 in connection with Crime No.19 of 2022 of Bhadrachalam Town Police Station, Bhadrachalam District, wherein the petitioners are alleged to have committed the offence punishable under Section 8(c) read with 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 23.01.2022 at about 8.30 a.m., while the Police, Bhadrachalam Town, conducting vehicle checking near CRPF Camp, Kunavaram Road, Bhadrachalam, they found that the petitioners are in possession of 6 kgs of ganja and are trying to transport the same in two motor cycles. The police seized the said ganja 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.Parsa Ananth Nageswar Rao, learned counsel for petitioners, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioners submits that the alleged contraband of 6 kgs. is seized in this crime, which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act to grant bail. He submits that the petitioners are unconnected with the alleged offence. The petitioners are implicated in this case falsely and they are languishing in jail from 23.01.2022. He further submits that petitioners have no criminal antecedents. Hence, the petitioners case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits the petitioners belong to Karnataka and Odissa State respectively and if they are enlarged on bail, it is difficult for the prosecution to secure their presence during the course of trial. As the investigation is still pending, the petitioners are not entitled for bail, at this stage.

6. Taking into the consideration the fact that contraband of 6 kgs. is seized in this crime and nothing is forthcoming to show that petitioners are habitual offenders, this Court deems it appropriate to grant bail to the petitioners/A.1 and A.2 on certain conditions.

7. Accordingly, this Criminal Petition is allowed and petitioners/A.1 and A.2 shall be enlarged on bail on their executing personal bonds for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Bhadrachalam, subject to producing Aadhar card and other relevant documents. On such release, the petitioners shall appear before the Station House Officer, Bhadrachalam Police Station, Bhadrachalam Kothagudem District, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed. Further, the petitioners shall not leave the State without prior permission of the concerned Court.

Miscellaneous petitions, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 23.02.2022

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