

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 1520 of 2022

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused in COR No. 258 of 2021 on the file of Prohibition & Excise Station, Bhadrachalam registered for the offence punishable under Section 8 (C) read with 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 26.10.2021, at about 03.00 p.m., while Prohibition & Excise Inspector, Enforcement, Khammam along with his staff conducting vehicle check at Ambedkar Centre, Bhadrachalam, they found the accused in possession of 25 kgs. of dry ganja in polythene covers and they seized the same from her possession.

3. Learned counsel for the petitioner Sri Parsa Ananth Nageswar Rao submits that a contraband of 25 kgs. is seized in this crime. It is submitted that the petitioner was arrested and remanded to judicial custody on 26.10.2021 and since then, she has been languishing in jail. Learned counsel submits that the petitioner is unconnected with the alleged offence and she is a labourer and she has been implicated in this case. It is submitted that as the petitioner is languishing in jail from the last 120 days, her case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that this is the second bail application and this Court by order dated 31.12.2021, dismissed the earlier bail

application. It is submitted that the petitioner belongs to Bihar and if she is enlarged on bail, it would be difficult for the prosecution to secure her presence during the course of investigation as well as trial. As such, the learned Assistant Public Prosecutor submits that the petitioner is not entitled for grant of bail.

5. Taking into consideration the fact that 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 shall be enlarged on bail in COR No. 258 of 2021 on the file of Prohibition & Excise Station, Bhadrachalam on her executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two local sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Bhadrachalam. The sureties shall produce Aadhar Card and other relevant documents. 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. Further, she shall not leave the State.

LALITHA KANNEGANTI, J

28th February 2022

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