

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 1596 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.2 to A.4 in connection with Crime No.1082 of 2021 of Vanasthalipuram Police Station, Rachakonda Commissionerate, wherein the petitioners are alleged to have committed the offence punishable under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 17.12.2021, the Detective Inspector of Police, Hayathnagar Police Station, along with his staff, on receipt of credible information, rushed to Autonagar, Vanasthalipuram, where they found ten persons were shifting some packets sealed with brown colour tape from lorry bearing no. KA 01 AD 2878 and Swift Car bearing No. AP 39 JA 2329 to Maruthi Ertiga Car bearing No. MH 02 FN 7968. On apprehension and interrogation, they disclosed their identity and confessed that they brought ganja for selling. The police seized 240 kgs. of 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.K.Venkateswara Rao, learned counsel for petitioners, and learned Assistant Public Prosecutor for respondent-State.

4. Learned counsel for the petitioners submits that the alleged contraband of 10 kgs. is seized from the possession of A.2, 130 kgs. from the possession of A.3 and 10 kgs. from the possession of A.4. He submits that quantities that are mentioned in the remand report and panchanama are totally different and that itself shows that the petitioners have been implicated in this case falsely. He further submits that the petitioners were arrested and remanded to judicial custody on 17.12.2021 and ever since they are languishing in jail. It is submitted that A.2's daughter marriage is postponed and likely to be held in the next month and as his presence is required, his case may be considered for grant of bail along with other accused.

5. On the other hand, learned Assistant Public Prosecutor submits that A.2 has criminal antecedents and there are five cases registered against him. As far as A.3 is concerned, police seized huge contraband of 130

kgs., which is a commercial quantity, unless A.3 satisfies the twin conditions of Section 37 of NDPS Act, he is not entitled for bail. Further, 10 kgs. of contraband is seized from the possession of A.4. He submits that there are no criminal antecedents as far as A.4 is concerned. He further submits that investigation is still pending and five witnesses were examined. It is submitted that A.11 is absconding. As huge quantity of contraband of 240 kgs. is seized, the petitioners are not entitled for bail, at this stage.

6. Taking into consideration the fact that there are five cases registered against first petitioner/A.2, this Court is not inclined to grant bail to A.2. As far as second petitioner/A.3 is concerned, huge quantity of 130 kgs. is seized, in view of the bar under Section 37 of NDPS Act, this Court is not inclined to grant bail to A.3. As far as the third petitioner/A.4 is concerned, only 10 kgs. is seized, which is not commercial quantity, and further nothing is forthcoming to show that A.4 is a habitual offender, this Court deems it appropriate to grant bail to the third petitioner/A.4.

7. Accordingly, this Criminal Petition is allowed in part and the third petitioner/A.4 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 XXIV Additional Metropolitan Magistrate, Cyberabad at Hayathnagar, Ranga Reddy District. On such release, the petitioner shall appear before the Station House Officer, Vanasthalipuram Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed. The Criminal Petition is dismissed in respect of the first and second petitioners/A.2 and A.3.

8. As far as the contention of learned counsel for petitioner that A.2's daughter marriage is already postponed and scheduled to be held on in the next month, the first petitioner/A.2 is at liberty to move appropriate application before the Court below.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 07.03.2022

mar/bak