

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1613 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 petitioner/A.4 in connection with Crime No.178 of 2021 of Wardhannapet Police Station, Warangal District, wherein the petitioner is alleged to have committed the offence punishable under Section 8(c) read with 20(B)(II) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 22.09.2021 at about 1210 hours, the petitioner along with other accused while illegally transporting the dray ganja towards Warangal via Wardhannapet, the police seized 128 kgs. of ganja from the accused and arrested the petitioner 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 petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that in Crime No.387 of 2021 the petitioner has confessed that he has helped the other accused to cross the check-post. Basing on the said confession, the present crime is registered against the petitioner. He submits that the petitioner was remanded in other case on 08.11.2021. The P.T. warrants were executed on 09.12.2021 and the petitioner is in jail from the last 150 days. He further submits that nothing has been seized from the possession of the petitioner and he has been implicated in this case falsely. Hence, the petitioner's case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that the petitioner, being a constable, has helped the other accused to cross the check-post and already another crime registered against him, wherein 2 kgs. of contraband is seized from his possession. Hence, the petitioner is not entitled for bail, at this stage.

6. Taking into the consideration the fact that the petitioner is languishing in jail from the last 155 days, nothing has been seized from the possession of the petitioner in this case and the whole basis of registering the present crime is the confession statement of the petitioner, this Court deems it appropriate to grant bail to the petitioner/A.4 on certain conditions.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.4 shall be enlarged on bail on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties for a like sum each to the satisfaction of the II Additional Junior Civil Judge, Warangal. On such release, the petitioner shall appear before the Station House Officer, Wardhannapet Police Station, Warangal District, once in a week i.e., on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

Miscellaneous petitions, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 08.03.2022

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