

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1653 of 2022

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused No. 1 in Crime No.398 of 2021 on the file of Nalgonda I Town Police Station, Nalgonda District, registered for the offence punishable under Section 20(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 28.11.2021, at 17.30 hours, on credible information, the Sub-Inspector of Police along with his staff rushed to the house bearing No.5-9-301, belongs to one Mohammed Iliyas Hyderkhanguda, Nalgonda Town, where they found four persons and on search, they seized 22 kgs of ganja under a cover of panchanama.

3. Learned counsel for the petitioner Ms. P. Shashi Kiran, submits that the petitioner was arrested and remanded to judicial custody on 29.11.2021 and he is languishing in jail from the last 88 days. He submits that while conducting search and seizure, police have failed to follow the procedure as contemplated under the provisions of NDPS Act and the petitioner has been implicated in this case falsely. He also 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 submits that investigation is still pending and so far, six witnesses were examined and A5 to A13 in the present crime are absconding and at this stage, the petitioner is not entitled for grant of bail. He, however, does not dispute the fact that the petitioner has no criminal antecedents.

5. Taking into consideration the fact that the petitioner is languishing in jail from the last 88 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 No. 1 shall be enlarged on bail in Crime No.398 of 2021 on the file of Nalgonda I Town 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 Special Judge for Trial of Cases under NDPS Act (I Additional Sessions Judge) at Nalgonda. 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.

28th February 2022

LALITHA KANNEGANTI, J

sj