

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 1965 of 2022

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioners – Accused Nos. 1 and 2 in Crime No. 269 of 2021 on the file of Prohibition & Excise Station, Bhadrachalam registered for the offence punishable under Section 8(C) read with Section 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 07.11.2021, the excise officials proceeded to Auto Stand before Bhadrachalam Bus Stand and conducted ganja raids and during the search, they allegedly detected the case of illegal possession of dry ganja and seized the contraband from the possession of the petitioners and arrested them.

3. Learned counsel for the petitioners Sri Parsa Ananth Nageswar Rao submits that the petitioners are alleged to have committed the offences under the NDPS Act and they are languishing in jail from 07.11.2021 onwards. It is alleged that contraband of 20 kgs. seized is not a commercial quantity, as such, there is no bar under Section 37 of the NDPS Act to grant bail to the petitioners. Learned counsel submits that the petitioners have no criminal antecedents and they are ready to cooperate with the investigation, hence, their case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the petitioners are residents of Odissa

State and if they are enlarged on bail, it would be very difficult for the prosecution to secure their presence during the trial. He however, does not dispute the fact that the petitioners have no criminal antecedents.

5. Taking into consideration the fact that the contraband seized is not a commercial quantity and further, the petitioners are languishing in jail since 07.11.2021, this Court deems it appropriate to grant bail to the petitioners, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioners - Accused Nos. 1 and 2 shall be enlarged on bail in Crime No. 269 of 2021 on the file of Prohibition & Excise Station on each of them 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 Judicial First Class Magistrate at Bhadrachalam. The petitioners – Accused Nos. 1 and 2 shall not leave the State and they shall appear before the police till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

LALITHA KANNEGANTI, J

10th March 2022

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