

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION Nos.1888 and 1906 of 2022

COMMON ORDER:

Since both these criminal petitions arise out of the same crime, they are being disposed of by this common order.

2. CrI.P.No.1888 of 2022 is filed by petitioner/A4 and CrI.P.No.1906 of 2022 is filed by petitioner/A3 under Sections 437 and 439 Cr.P.C., seeking bail in connection with Cr.No.75 of 2022 on the file of Neredmet Police Station, Rachakonda District, registered for the offence punishable under Section 21(b) read with 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The case of prosecution is that on 01-02-2022 at about 11.00 hours, while the Sub-Inspector of police along with his staff was conducting patrolling duty at Neredmet area, they found some known persons under suspicious circumstances, and on enquiry, they revealed their names and on search, they seized 38 grams of Cocaine, net cash of Rs.22,000/- from their possession under a cover of panchanama.

4. Learned counsel for the petitioners Mr. V.S.Sudhaker submits that the petitioners are arrayed as A4 and A3 respectively, and they are alleged to have committed the offence under Section 21(b) read with

29 of NDPS Act. He submits that 38 grams of Cocaine is seized in this crime. Learned counsel submits that the petitioners are unconnected with the alleged offences and they have been implicated in this case falsely. He further submits that even if all the allegations are assumed to be true, the contraband that is seized in this crime is not a commercial quantity, as such there is no bar under Section 37 of the NDPS Act to grant bail to the petitioners. He further submits that the petitioner were arrested and remanded to judicial custody on 01.02.2022 and ever since, they are languishing in jail and A2 was already granted bail by the Court below and hence, their case may be considered for grant of bail.

5. On the other hand, learned Assistant Public Prosecutor submits that A5 in this crime is absconding and A1 is a habitual offender. He submits that the investigation is pending and so far, 2 witnesses were examined and at this stage, petitioners are not entitled for bail.

6. Taking into consideration the fact that the contraband that is seized is not a commercial quantity and as nothing is forthcoming to show that the petitioners have criminal antecedents, this Court deems it appropriate to grant bail to the petitioners.

7. The Criminal Petitions are allowed. Petitioners-A4 and A3 shall be enlarged on bail in Crime No.75 of 2022 on the file of Neredmet Police Station, Rachakonda District, on their

executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two sureties for a like sum each to the satisfaction of the XVIII Additional Metropolitan Magistrate Court, Cyberabad at Malkajgiri. On such release, the petitioners shall appear before the police concerned till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

LALITHA KANNEGANTI, J

11th March, 2022.

sj