

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 1706 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No. 2 in Crime No. 226 of 2021 on the file of Munagala Police Station, Suryapet District 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. The case of prosecution is that on 09.11.2021, at about 06.00 hours, on receipt of information, Sub-Inspector Police, Munagala Police Station along with his staff rushed to Mandava Pitchaiah Hotel at Munagala and found two persons with two bags containing ganja and seized the same under the cover of a panchanama.

3. Learned counsel for petitioner Sri P. Sriharinath submits that it is alleged that contraband of 20 kgs. is seized in this crime. He further submits that petitioner was arrested and remanded to judicial custody on 09.11.2021 and since then, he has been languishing in jail. It is stated that during search and seizure, police have failed to follow the procedure prescribed under the provisions of the NDPS Act. It is further stated that contraband seized is not commercial quantity, as such, there is no bar under

Section 37 of the NDPS Act. Learned counsel submits that petitioner has no criminal antecedents, hence, his case may be considered for grant of bail.

4. Learned Assistant Public Prosecutor, on the other hand, submits that so far, five witnesses were examined and investigation is still in progress. He however, does not dispute the fact that petitioner has no criminal antecedents.

5. Taking into consideration the fact that petitioner is in jail since 09.11.2021 and contraband seized is not a commercial quantity and further as nothing is forthcoming to show that petitioner has criminal history, this Court deems it appropriate to grant bail to him, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused No. 2 shall be enlarged on bail in connection with Crime No. 226 of 2021 on the file of Munagala Police Station on his executing a personal bond for a sum of Rs.50,000/- with two sureties for a like sum each to the satisfaction of 1st Additional District and Sessions Judge at Nalgonda, Nalgonda District. Petitioner shall appear before the police concerned on every Sunday between 10.00 a.m. and 2.00 p.m. till completion of trial.

LALITHA KANNEGANTI, J