

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1881 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 petitioners/A.1 and A.2 in connection with C.O.R.No.105 of 2021 of Station House Office (Prohibition and Excise), Sangareddy District, wherein the petitioners are alleged to have committed the offence punishable under Section 8(c) read with 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 05.12.2021 at about 4.00 p.m., the Prohibition and Excise Inspector, Sangareddy, along with staff conducted route watch on N.H.No.65 at Cheryal Village gate of Kandi Mandal and during watch, the Officer noticed the one person arriving on a bike suspiciously and on enquiry, they found 50 grams of Hashish Oil in bike and 275 grams in the room of petitioner No.1. On further enquiry, they went to the village of petitioner No.2 and found 100 grams of Hashish Oil. The police seized 425 grams of Hashish Oil

from them and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.P.Prabhakar Rao, learned counsel for petitioners, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioners submits that the alleged contraband of 425 grams of Hashis Oil is seized in this crime, which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act to grant bail to the petitioners. He submits the petitioners were arrested and remanded to judicial custody on 05.12.2021 and ever since they are languishing in jail. He further submits that the petitioners have not committed the offence as alleged and they have been implicated in this case falsely. It is submitted that petitioner No.1 is a student, pursuing his B.Tech. 7th semester. Further, the petitioners have no criminal antecedents. Hence, the petitioners' case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that so far two witnesses were examined. He does not dispute the fact that petitioners are not having any criminal antecedents. As the

investigation is still pending, the petitioners are not entitled for bail, at this stage.

6. Taking into the consideration the fact that the contraband that is seized is only 425 grams of Hashish Oil, which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act, nothing is forthcoming to show that the petitioners are habitual offenders, petitioner No.1 is a student and petitioners are languishing in jail from 05.12.2021, this Court deems it appropriate to grant bail to the petitioners/A.1 and A.2 on certain conditions.

7. Accordingly, this Criminal Petition is allowed and the petitioners/A.1 and A.2 shall be enlarged on bail on their executing personal bonds 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 Special Judicial First Class Magistrate for trial of cases under A.P. Prohibition and Excise Act-cum-II Additional Junior Civil Judge at Sangareddy. On such release, the petitioners shall appear before the Station House Office (Prohibition and Excise) Station, Sangareddy

District, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 09.03.2022

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