

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 1978 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. 2 in Crime No. 29 of 2022 on the file of Tandur Town Police Station, registered for the offence punishable under Section 20(a)(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 02.02.2022, at about 17.00 hours, on credible information, the Sub-Inspector of Police and staff proceeded to Railway Station, Tandur and found four persons loitering in an open place in a perturbed manner. Police caught hold of them and seized a bag with 1140 grams of ganja from their possession.

3. Learned counsel for the petitioner Sri Nambi Krishna submits that the petitioner is arrayed as Accused No.2. It is alleged that contraband of 1140 grams is seized in this crime. It is submitted that the petitioner is unconnected with the alleged offence and he has been implicated in this case. It is also submitted that the contraband seized is not a commercial quantity, as such, there is no bar under Section 37 of the NDPS Act to grant bail to the petitioner. It is further submitted that the petitioner is arrested and remanded to judicial custody on 02.02.2022 and since then, he has been languishing in jail. Learned counsel submits that the petitioner has no criminal antecedents and he is ready to cooperate with the investigation, hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the petitioner is a resident of Karnataka State and if he is enlarged on bail, it would be very difficult for the prosecution to secure his presence during the trial. He however, does not dispute the fact that the petitioner has no criminal antecedents.

5. Taking into consideration the fact that the contraband seized is not a commercial quantity, this Court deems it appropriate to grant bail to the petitioner, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No. 2 shall be enlarged on bail in Crime No. 29 of 2022 on the file of Tandur Town Police Station 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 Judicial First Class Magistrate at Tandur. The petitioner – Accused No. 2 shall not leave the State and he 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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