

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1842 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 petitioner/accused in connection with COR.No.34 of 2022 of Prohibition and Excise Station, Bhadrachalam, wherein the petitioner is alleged to have committed the offence punishable under Section 8(c) read with 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 06.02.2022 at 03.00 p.m., on information, the Prohibition and Excise Inspector, Bhadrachalam, along with staff raided at Ambedkar Centre, Bhadrachalam, and found the petitioner is in possession of 5 kgs. of ganja. The police seized the said ganja from the petitioner and arrested him under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.Parsa Ananth Nageswar Rao, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that the alleged contraband of 5 kgs. is seized in this crime. He submits that the petitioner was arrested and remanded to judicial custody on 07.02.2022. He further submits that the contraband that is seized in this crime is not commercial quantity, as such, there is no bar under Section 37 of the NDPS Act to grant bail to the petitioner. It is submitted that the petitioner is co-operating with the investigation. Hence, the petitioner's case may be considered for grant of bail.

5. On the other hand, learned Assistant Public Prosecutor submits that investigation is still pending and so far two witnesses were examined. He submits that petitioner belongs to Odissa State and if he is enlarged on bail, it is difficult for the prosecution to secure his presence during the course of trial. As the investigation is still pending, the petitioner is not entitled for bail, at this stage.

6. Taking into the consideration the fact that the contraband that is seized is only 5 kgs., which is not a commercial quantity, and there is no bar under Section 37 of the NDPS Act, this Court deems it appropriate to grant bail to the petitioner/accused.

7. Accordingly, this Criminal Petition is allowed and the petitioner/accused shall be enlarged on bail 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 Magistrate of First Class, Bhadrachalam, Khammam District, subject to producing Aadhar card and other relevant documents. On such release, the petitioner shall appear before the Station House Officer, Prohibition and Excise Station, Bhadrachalam, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed. Further, the petitioner shall not leave the State without prior permission of the concerned Court.

Miscellaneous petitions, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 07.03.2022

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