

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.2205 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 No.1 in connection with Crime No.112 of 2021 on the file of Station House Officer, Maddirala Police Station, Suraypet District, 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 11.10.2021 the Deputy Superintendent of Police, Thungathurthy circle, received credible information that two persons were moving under suspicious circumstances by carrying two bags at Errapahad X road on NH-365, at the outskirts of Polumalla Village. Then, he rushed to the spot along with his staff and apprehended A-1 and A-2, who are carrying two college bags, and in search they found 9 plastic parcels of ganja in two bags, weighing 20 kgs. 610 grams of ganja, and seized the same from their possession under cover of

panchanama. Basing on the said report, the present crime was registered.

3. Heard Sri J.P.Srikanth, learned counsel for petitioner/Accused No.1 and learned Additional Public Prosecutor for respondent-State. Perused the record.

4. Learned counsel for the petitioner submits that the alleged contraband of 20 kgs. 610 grams is seized in this crime. The petitioner belongs to Uttar Pradesh and he has nothing to do with the alleged offence and he has been implicated in this case falsely. Learned counsel further submits that petitioner is languishing in jail since 12.10.2021. Learned counsel further submits that the petitioner is ready to cooperate with the investigation. Hence, his case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits petitioner belongs to Uttar Pradesh and if he is enlarged on bail, at this stage, it is difficult for the prosecution to secure his presence during the course of trial. Learned Assistant Public Prosecutor submits that he does not dispute the fact that petitioner has no criminal antecedents. He further submits that investigation

is pending and so far four witnesses were examined. Hence, at this stage, the petitioner is not entitled for bail.

6. Taking into consideration of the fact that the petitioner/Accused No.1 is in judicial custody since 12.10.2021 and this Court granted regular bail to the Accused No.2 vide Criminal Petition No.939 of 2022 dated 08.01.2022, as such, the present petitioner/Accused No.1 is entitled for grant of bail on the ground of parity.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.1 is granted bail subject to the following conditions:

- i) The petitioner/Accused No.1 shall execute 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, Thungathurthy.
- ii) The petitioner/Accused No.1 shall appear before the Station House Officer, Maddirala Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed. Further, the

petitioner/Accused No.1 shall not leave the State without prior permission of the concerned Court.

iii) The The petitioner/Accused No.1 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 11.04.2022
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