

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.2262 of 2022

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of bail in Crime No.12 of 2022 of Chivvemla Police Station, Suryapet, registered for the offence under Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard the learned counsel for the petitioner/A.1, learned Assistant Public Prosecutor appearing for the respondent/State and perused the record.

3. As seen from the material placed on record, on 19.01.2022 while the Sub-Inspector of Police, Chivvemla Police Station, along with his staff, conducting vehicle checking at Durajpalli X road, Chivvemla, on credible information they went to Aleti Atam Ahsramam, Durajpalli and found A.1 to A.3 with 2 bags under suspicious circumstances. On checking those bags, the police found 15 packets which were wrapped with brown colour tape and on observation, Cannabis material was found in those packets and the same was seized under cover of panchanama. In the First Information Report, it mentioned that 15 ganja packets

were found in two bags i.e, I) Maroon coloured trolly bag containing 8 packets i.e, 1) 2 kgs 300gms, 2) 2 kgs 200 gms, 3) 2kgs 200gms, 4) 2 kgs 200 gms, 5) 2 kgs 200 gms, 6) 2kgs 200 gms, 7) 2kgs 200 gms and 8) 2kgs 200 gms and II) Black coloured bag containing 7 packets i.e, 1) 2 kgs 200 gms, 2) 2kgs 200 gms, 3) 2 kgs 200 gms, 4) 2 kgs 200 gms, 5) 2 kgs 200 gms, 6) 1 kg 500gms and 7) 1 kg. Thus altogether 30kgs 850 gms of ganja, consisting in two bags, was seized. Whether the ganja alleged to have been seized from the possession of petitioner/A.1 in the subject crime is of commercial quantity and whether the petitioner/A.1 is in conscious/constructive possession of the ganja seized, are required to be determined during the course of investigation or on conclusion of the trial. It is too early to conclude that the ganja alleged to have been seized from the possession of petitioner/A.1 is of commercial quantity. Material witnesses in this case are already examined. The petitioner/A.1 is in judicial custody since 19.01.2022. He has no criminal history of committing similar offence. Under these circumstances, the petitioner/A.1 can be enlarged on bail on certain conditions.

4. Accordingly, the petitioner/A.1 is ordered to be released on bail, subject to the following conditions:

(i) The petitioner/A.1 shall execute a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties, for a like sum each to the satisfaction of the learned Additional Judicial First Class Magistrate, at Suryapet, Nalgonda District. Out of the two sureties, one surety shall be from the native village of the petitioner/A.1.

(ii) After release on bail, the petitioner/A.1 shall appear before the Station House Officer, Chivvemla Police Station, on every Sunday between 10:00 AM and 11:00 AM, till filing of charge sheet.

(iii) During the bail period, the petitioner/A.1 shall not indulge in any crime.

(iv) The petitioner/A.1 shall not, directly or indirectly, meddle with the investigation, intimidate or induce the witnesses, tamper the evidence and he shall cooperate with the Investigating Officer for smooth conduct and completion of the investigation.

5. This Criminal Petition is, accordingly, allowed.

Miscellaneous petitions pending if any in this Criminal Petition, shall stand closed.

Date: 22nd March, 2022
scs

Dr. SHAMEEM AKTHER, J