

HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO. 2599 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioner/Accused No.1 on bail in connection with Crime No.106 of 2021 on the file of RPS, Warangal registered for the offence punishable under Section 8(c) read with Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

2. Heard Sri Challa Srinivas Reddy learned counsel for the petitioner and the learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. The case of prosecution is that on 11.11.2021 at about 08.00 AM, police conducted special check in Konark Express at Vijayawada Railway Station and before reaching Warangal Railway Station, police opened the bags of Accused Nos.1 and 2 and found 20 kgs of dry ganja.

4. Learned counsel for petitioner submits that contraband of 20 kgs is seized in this crime and while weighing contraband, it was weighed with the bag and police failed to follow the procedure contemplated under the provisions of the NDPS Act. He further submits that the petitioner is unconnected with the alleged offences and as contraband seized is not commercial quantity, case of petitioner may be considered for grant of bail.

5. On the other hand, learned Assistant Public Prosecutor submits that petitioner belongs to Orissa State and if he is enlarged on bail, it is difficult for prosecution to secure his presence during the course of trial.

6. This Court, vide Criminal Petition No.9278 of 2021 granted regular bail to Accused No.2 by order dated 16.12.2021. Both the Accused Nos.1 and 2 stand on the same footing, as such, the prayer for bail can be considered.

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 Judicial First Class Magistrate for Railways at Kazipet, Warangal District.

ii) The petitioner/Accused No.1 shall not leave the State and shall appear before the police concerned on every Sunday between 10.00 AM and 02.00 PM till completion of trial.

8. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER,J

Date :29.03.2022
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