

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.2957 OF 2022

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioners/accused Nos.1 and 2 on bail in connection with Crime No.84 of 2021, on the file of Railway Police Station, Kazipet, registered for the offence punishable under Section 8(c) read with 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "N.D.P.S.Act, 1985").

2. Heard learned counsel for the petitioners/accused Nos.1 and 2 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that on 23.12.2021, the Railway Police, Kazipet, noticed two persons, who are petitioners/accused Nos.1 and 2 while they were carrying blue and grey colour shoulder bags, on suspicion, they have stopped the petitioners and found that each bag contains 16 kgs., and 14 kgs., totaling to 30 kgs., of dry ganja.

4. Learned counsel for the petitioners submits that the charge-sheet is already filed and even according to the charge-sheet there are two separate bags found from each of the accused containing 14 Kgs., and 16 Kgs., of ganja and the said quantity is less than commercial

quantity. The said fact that the bags were separately seized is also mentioned in the charge-sheet.

5. In the said circumstances, when the quantity of contraband is less than commercial quantity and the petitioners/accused Nos.1 and 2 are in jail from 23.12.2021, the petitioners/accused Nos.1 and 2 shall be released on bail on the following conditions:

- i) The petitioners/Accused Nos.1 and 2 are directed to be released on bail on their executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties for like sum each, to the satisfaction of the Judicial First Class Magistrate for Railways at Kazipet, Warangal District.
- ii) The petitioners/Accused Nos.1 and 2 shall appear before the concerned Police on every day between 10.00 A.M. and 05.00 P.M, for a period of three months or until filing of charge sheet, whichever is earlier.
- iii) The petitioners/accused Nos.1 and 2 shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.

Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date :27.06.2022

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Dt.27.06.2022

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