

HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO. 2662 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.2 on bail in connection with Crime No.306 of 2021 on the file of the Station House Officer, Railway Police Station, Secunderabad, registered for the offence punishable under Section 20(b) (ii) (c) NDPS Act, 1985.

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

3. Briefly stated the case of the prosecution is that on 19.11.2021 when the Railway Police while conducting checks in the Konark Express found that the petitioner/A2 and another-A1 in possession of 10 packets of Dry Ganja which in total comes to 20 Kgs. Accordingly, FIR was registered and petitioner was sent to jail.

4. Learned Counsel for petitioner submits that the petitioner is aged 75 years and also filed disability certificate showing the

disability of 50% and that the health of the petitioner/A2 is also deteriorating due to detention.

5. On the other hand learned Public Prosecutor submits that the quantity seized from the petitioner/A2 and A1 is 20 kgs., which is commercial quantity and further A1 was from Orissa and the petitioner herein/A2 was from Maharashtra.

6. Since the petitioner/A2 is in jail from 19.11.2021 and is aged 75 years with 50% disability, I am inclined to grant bail to petitioner/A2.

6. In the said circumstances, the petitioners/Accused No.2 is directed to be released on bail on his executing personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for likesum i.e. one from local and another from his native place, to the satisfaction of II Metropolitan Magistrate for Railways at Secunderabad. The petitioner shall appear before the concerned Police on every Sunday between 10.00 A.M to 05.00 P.M, for a period of three months or until filing of charge sheet, whichever is earlier.

7. Accordingly, the Criminal Petition is allowed. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER,J

Date :30.03.2022
tk/trr

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Dt.30.03.2022

tk/trr