

HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO. 2697 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.120 of 2021 on the file of Maddirala Police Station, Suryapet District. The offences alleged against the petitioner/Accused No.2 is under Section 8(c) read with Section 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 the petitioner/Accused No.2 and Accused No.1 went to Annavaram and purchased ganja from unknown persons and on 14.11.2021 they left Annavaram and while going to Delhi to sell the ganja, at about 05.30 hours when they reached Errapahad X Road, Polumalla Village of Maddirala Mandal, the police party apprehended them and seized 26 kgs of ganja. The police arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Sri Raheemuddin, learned counsel for the petitioner, the learned Assistant Public Prosecutor for the respondent-State and perused the record.

4. Learned counsel for the petitioner submits that the alleged contraband of 26 kgs is seized in this crime. He further submits that the petitioner was arrested and remanded to judicial custody on 14.11.2021 and ever since he has been languishing in jail. He further submits that the petitioner/Accused No.2 is a student and he has no criminal antecedents. Hence, his case may be considered for grant of bail.

5. Learned Assistant Public Prosecutor would submits that the investigation is pending and still Accused No.3 is absconding. He further submits that petitioner belongs to Delhi 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. Hence, the petitioner/Accused No.2 is not entitled for bail.

6. This Court granted bail to Accused No.1 on 07.02.2022 vide Criminal Petition No.351 of 2022. The allegation against Accused No.1 and present petitioner/Accused No.2 are one and the same, as

such, this court is inclined to grant bail to the petitioner/Accused No.2.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.2 is granted bail subject to the following conditions:

i) The petitioner/Accused No.2 shall execute a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties for the like sum each to the satisfaction of Judicial First Class Magistrate at Thungathurthy.

ii) The petitioner/Accused No.2 shall appear before the Station House Officer, Maddirala Police Station, on every Sunday between 10.00 AM and 01.00 PM, till the trial is completed. Further, the petitioner/Accused No.2 shall not leave the State without prior permission of the concerned Court.

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

K.SURENDER,J

Date :31.03.2022
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