

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.3342 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 regular bail to the petitioner who is arrayed as Accused No.5 in Crime No.21 of 2022 on the file of Chityal Police Station, Nalgonda District for the offence punishable under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard learned counsel for the petitioner/Accused No.5 and the learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The facts of the case are that on 08.02.2022, the Sub-Inspector of Police, Chityal Police Station received credible information, on that he along with his staff rushed to Punjabi Dhaba situated at the outskirts of Gundrampally village of Chityal Mandal, noticed (08) members i.e. A1 to A8 who are sitting in a hotel and discussing about dry ganja purchasing and sold the same in between them and on seeing the police, A1 escaped from there and the

police apprehended A2 to A8 and on checking they found 230 dry ganja packets each 2 kgs, total 460 kgs of ganja which are kept in Innova Car bearing No.AP 29 BD 9292 and the same was seized along with (07) cell phones, 3 cards and Rs.4,00,000/- net cash under cover of panchanama.

4. Learned counsel for the petitioner submits that the recoveries according to the remand report was at the instance of A2 and except stating that this petitioner and others were sitting in a hotel, there are no seizures effected at the instance of this petitioner. The said factual scenario is not disputed by the learned Assistant Public Prosecutor in accordance with the panchanama. However, learned Assistant Public Prosecutor opposed the grant of bail to the petitioner on the ground that the confession reflects that money was paid to A2 for the purpose of delivery of the contraband.

5. As seen from the record, this petitioner was sitting in the hotel and as there are no recoveries at the instances of this petitioner, nor did the police discover any fact at the instance of this petitioner, for the said reason, this Court is inclined to grant bail to the petitioner/Accused No.5.

6. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.5 is granted bail subject to the following conditions:

- i) The petitioner/Accused No.5 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 Magistrate of First Class, Ramannapet, Nalgonda District.
- ii) The petitioner/Accused No.5 shall appear before the concerned Station House Officer on every Sunday between 10.30 AM and 01.00 PM for a period of three (03) months or until filing of charge sheet, whichever is earlier.
- iii) The petitioner/Accused No.5 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 09.06.2022
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