

THE HON'BLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.3756 of 2022****O R D E R:**

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioners – Accused in connection with PR No.86 of 2021 of Prohibition and Excise Station, Utnoor, registered for the offence punishable under Section 8 (b) r/w 20 (a) of the Narcotic Drugs and Psychotropic Substances Act, 1985, seeking pre-arrest bail.

2. Heard the learned counsel for petitioners and learned Assistant Public Prosecutor appearing on behalf of respondent-State.

3. Learned counsel for petitioners submits that as per the prosecution case, Ganja plants were grown in Sy.No.10, but the petitioners are unconnected with the crime land and without any basis, petitioners have been falsely implicated in this case, as such their case may be considered for grant of pre-arrest bail.

4. *Per contra*, learned Assistant Public Prosecutor submits that the petitioners are owners of the property and they are raising Ganja plant in the said land, which can be seen from the panchanama, as such petitioners are not entitled for pre-arrest bail.

5. A bare perusal of panchanama, it is absolutely silent with regard to descriptive particulars of the land, boundaries, extent and also the person who is cultivating the land. This Court in these offences of cultivation of Ganja, several times observed that panchanama is not even containing the minimum details as to the particulars of owner of the land and as to how the accused are connected with the crime. Police are not even taking minimum care and caution while drafting panchanama, which is the whole basis for registration of crime. Previously also this Court directed the Public Prosecutor to instruct the police officials to be cautious while drafting

panchanamas in these types of offences.

6. Taking into consideration the contents of panchanama, which *prima facie* do not connect the petitioners with the alleged crime, this Court deems it appropriate to grant pre-arrest bail to the petitioners.

7. In the result, criminal petition is allowed and the petitioners/Accused shall be enlarged on bail in the event of their arrest in connection with PR No.86 of 2021 of Prohibition and Excise Station, Utnoor on each of them executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties each for a like sum to the satisfaction of Station House Officer, Prohibition and Excise Station, Utnoor.

K.SURENDER, J

28.04.2022

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