

THE HONOURABLE SMT. JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO.3881 OF 2022

ORDER:-

This petition is filed under Sections 437 and 439 Cr.P.C. seeking regular bail to the petitioner/A.1 in SC NDPS No.114 of 2021 pending on the file of the I-Additional Metropolitan Sessions Judge, Hyderabad, registered for the offences punishable under Sections 8(c) and 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Prosecution alleges that on 06.05.2021, at about 18.10 hours, on credible information, Sub-Inspector of Police, P.S. Mangalhat, Hyderabad, lodged a complaint stating that while he along with his staff were on patrolling duty, they noticed four persons coming on foot carrying a plastic gunny bag from Puranapool side and on seeing the police, they tried to escape, but, immediately they were apprehended and a gunny bag weighing about 26 kgs. of ganja and cell phone were seized from them.

3. Sri Mohd. Muzafferullah Khan, learned counsel for the petitioner, submitted that contraband of 26 kgs. is seized in this crime. It is submitted that petitioner was arrested on 07.05.2021 and since then, he has been languishing in jail. Learned counsel submits that A.3 and A.4 were already granted bail *vide*

Crl.M.P.Nos.2046 of 2021 and 5786 of 2021 respectively. Further, this Court has also granted bail to A.2 on 25.11.2021, *vide* Crl.M.P.No.8381 of 2021. He further submits that as the entire investigation is completed and charge-sheet was also filed and as petitioner is languishing in jail for the last one year, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that petitioner is a habitual offender and earlier, Crime No. 4 of 2019 was registered against him and it was numbered as S.C.No.83 of 2019 on the file of Metropolitan Sessions Judge, Nampally, hence, he is not entitled for bail. He submits that contraband seized from the possession of petitioner is a commercial quantity, as such there is a bar under Section 37 of the NDPA Act, hence, the petitioner is not entitled for grant of bail.

5. Heard learned counsel for the petitioner as well as learned Assistant Public Prosecutor and perused the record.

6. On perusal of the record, it discloses that this Court by order dated 25.11.2021 in Crl.P.No.8381 of 2021 has granted bail to A.2, while dismissing the bail to the petitioner/A.1 on the same day. The petitioner is languishing in jail for more than one year and charge sheet was also filed and recovery was also made in this matter. Taking into consideration the submission that entire

investigation is completed, this Court deems it appropriate to grant bail to the petitioner on certain conditions.

7. Accordingly, the criminal petition is allowed and the petitioner/A.1 shall be enlarged on bail in SC NDPS No. 114 of 2021 on the file of I Additional Metropolitan Sessions Judge, Hyderabad, on his executing 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 the I Additional Metropolitan Sessions Judge, Hyderabad. The petitioner shall appear before the investigating officer whenever his presence is necessary. Further, the petitioner shall not leave the City.

G.ANUPAMA CHAKRAVARTHY, J

Date :12.05.2022

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