

THE HONBLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No. 4024 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.") for enlarging the petitioner-accused No. 3 on regular bail in COR No.66 of 2022 of Prohibition and Excise Station, Bhadrachalam registered for the offence punishable under Section 8 (c) read with Section 20 (b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act.

2. Learned counsel for the petitioner has submitted that petitioner was falsely implicated in the case and he has no connection with the contraband seized and that accused Nos. 1 and 2 have already been released by this Court vide order dated 19.04.2022 in CRLP No. 3286 of 2022. It is further submitted that the petitioner is prepared to furnish sufficient sureties to the satisfaction of the Court for his appearance before the trial Court.

3. On the other hand learned Assistant Public Prosecutor has submitted that the petitioner along with two others were found in possession of ganja, wherein 2.1 kilograms of ganja

was alleged to have been seized from the petitioner. It is further submitted that accused Nos. 1 and 2 were enlarged on bail as they were found in possession of contraband, which is less than small quantity.

4. As seen from the record, the petitioner-accused No. 3 was alleged to have been found in possession of 2.1 kilograms of ganja, which is more than small quantity and less than commercial quantity. As per the remand report, the main witnesses were already examined and the contraband has also been seized.

5. Considering the nature of offence and quantity of contraband seized and also the fact that the petitioner has got permanent place of abode, this Court is inclined to enlarge the petitioner on bail.

6. In the result, this Criminal Petition is allowed and the petitioner-accused No. 3 is ordered to be enlarged on bail on his execution of personal bond for Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties each for a likesum to the satisfaction of learned Special Sessions Judge for the trial of cases under Narcotic Drugs and Psychotropic Substances Act – cum – I Additional Sessions Judge at Khammam. The

petitioner-accused No. 3 is directed to appear before the concerned Police Station on every Sunday between 9.00 AM and 11.00 AM until further orders.

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

DR. D.NAGARJUN, J

Date: 05.05.2022
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