

THE HONOURABLE DR. JUSTICE D. NAGARJUN

CRIMINAL PETITION NO.4178 OF 2022

ORDER:-

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail to the petitioners/A.2 to A.4 in connection with Crime No.390 of 2021 of Kodad Town Police Station, Suryapet District, registered for the offences punishable under Section 8(c) read with 20(b)(ii)(c) and 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘the NDPS Act’).

2. The case of the prosecution is that on 14.11.2021, the petitioners/A.2 to A.4 hold in possession of each 1.5 kgs. of Hashish Oil and the same was recovered under the cover of panchanama. The said 1.5 kgs. of Hashish Oil is a commercial quantity.

3. Learned counsel for the petitioners submitted that the petitioners/A.2 to A.4 are the students and majority of the investigation is already completed, the petitioners are implicated in this case falsely and that the petitioners are languishing in jail from

15.11.2021, hence, the petitioners' case may be considered for grant of bail.

4. On the other hand, learned Additional Public Prosecutor submitted that so far eight witnesses were examined and F.S.L. report is still awaited. As the investigation is still pending, the petitioners are not entitled for bail, at this stage.

5. As seen from the record, CrI.P.Nos.2495 and 1833 of 2022 were disposed of by this Court, wherein A.5 was enlarged on bail on the ground that he is a student and the other accused i.e., A.2 to A.4 herein were not enlarged on bail on the ground that they are involved in another crime. It is submitted by learned counsel for the petitioners that no cases are pending against the petitioners/A2 to A4. As seen from the description of the petitioners, petitioner Nos.1 and 2/A.2 and A.3 are not students and they were shown as drivers and, however petitioner No.3/A.4 is of 19 years old described as student.

6. Considering the nature of offences and stage of the case, this Court deems it appropriate to grant bail to petitioner No.3/A.4 and is not inclined to grant bail to petitioner Nos.1 and A.2/A.2 and A.3.

7. Accordingly, this Criminal Petition is allowed in part and petitioner No.3/A.4 shall be enlarged on bail on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the Principal Judicial First Class Magistrate at Kodad, Suraypet District. On such release, petitioner No.3/A.4 shall appear before the Station House Officer, Kodad Town Police Station, Suryapet District, on every Sunday between 09.00 a.m. and 11.00 a.m. until further orders.

8. The Criminal Petition is dismissed in respect of petitioner Nos.1 and 2/A.2 and A.3.

Dr. D. NAGARJUN, J

Date :05.05.2022

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