

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.4266 of 2022

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused No.2 in COR No.43 of 2022 on the file of Prohibition and Excise Station, Khammam I Town, Khammam District, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 28-03-2022, on credible information, the Inspector of Police along with his staff has proceeded to Sri Circle from Wyra towards Khammam, found A1 to A3 under suspicious circumstances and seized 4 kgs of dry ganja from their possession under a cover of panchanama.

3. Learned counsel for the petitioner Mr. G. Ravi Chandra Sekhar, submits that the petitioner was arrested and remanded to judicial custody on 28-03-2022. He submits that as the seized contraband of 4 kgs is not a commercial quantity, there is no bar under Section 37 of the NDPS Act to grant bail to the petitioner and hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the investigation is still pending and at this stage, the petitioner is not entitled for grant of bail.

5. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor and perused the record. A perusal of the remand case diary would show that the police have seized 4 kgs. of dry ganja from the joint possession of A1 to A3. The alleged ganja seized from the possession of accused is 4 kgs, which is more than the small quantity and less than the commercial quantity i.e., intermediate quantity, and further as the petitioner is languishing in jail since 28-03-2022, this Court deems it appropriate to grant bail to the petitioner.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No. 2 shall be enlarged on bail in COR No.43 of 2022 on the file of Prohibition and Excise Station, Khammam I Town Police Station, Khammam District, 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 Special Sessions Judge for the Trial of Cases Under Narcotic Drugs and Psychotropic Substances Act-cum-I Additional Sessions Judge, Khammam. The petitioner/A2 shall appear before the police concerned on every Sunday

between 10.00 a.m. and 2.00 p.m for a period of two months or till filing of the charge sheet, whichever is earlier.

JUVVADI SRIDEVI, J

19th May, 2022.
sj