

THE HONOURABLE SMT. JUSTICE G.ANUPAMA CHAKRAVARTHY

CRIMINAL PETITION NO.4354 OF 2022

ORDER:-

This petition is filed under Sections 437 and 439 Cr.P.C. seeking regular bail to the petitioner/A.3 in SC.No.2 of 2022 pending on the file of the I-Additional district and Sessions Judge, Warangal District, registered for the offence punishable under Section 8(c) read with 20 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of prosecution is that on 30.09.2021 at about 11.30 a.m. at Kobal Thanda, A.1 to A.5 were found in possession of 101.900 kgs. of dry ganja in 44 packets, while they were carrying in three bags in order to sell the same for higher price. During the course of recording their confessional statements, A.1 to A.5 confessed that A.6 ordered 44 dry ganja bundles to A.1 to A.4 with the help of A.5 to sell the same at higher price at Hyderabad. Accordingly A.1 to A.5 transporting the ganja bundles to A.6, they caught hold. The police seized 101.900 kgs. of ganja from them and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Sri Veera Babu, learned counsel for the petitioner, submitted that A.4 was already released on bail and the quantity which was recovered from the possession of the petitioner is 29.965 kgs., though overall quantity is 101.900 kgs. He

submitted that the petitioner has no criminal antecedents and he is not a habitual offender. The petitioner was arrested and remanded to judicial custody on 01.10.2021. Further, entire investigation is completed and charge sheet was also filed. Hence, the petitioner's case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submitted that huge quantity of contraband ie., 101.900 kgs. is seized in this crime, which is a commercial quantity. He submitted that in view of the bar under Section 37 of the NDPS Act, the petitioner is not entitled for 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 the quantity that is seized from the possession of the petitioner is 29.965 kgs. Moreover, entire investigation is completed, charge sheet was also filed and the trial Court will commence the trial in this case. Therefore, 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.3 shall be enlarged on bail in SC.No.2 of 2022 on the file of I Additional District and Sessions Judge at Warangal, 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 District and Sessions Judge, Warangal. The petitioner shall cooperate with the trial Court and he shall not leave the jurisdiction of Warangal till the disposal of the Sessions Case.

G.ANUPAMA CHAKRAVARTHY, J

Date :12.05.2022

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