

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.4382 of 2022

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused No.2 in Crime No.15 of 2022 on the file of Kethepally Police Station, Nalgonda 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 08-02-2022 at about 11.30 hours, while the Inspector of Police along with his staff was conducting vehicle checking at Korlapahad Toll Plaza on NH 65, they found two persons on suspicious circumstances and on search, they seized 10 kgs of ganja from A1 and 11 kgs of ganja from A2 under a cover of panchanama.

3. Learned counsel for the petitioner Mr. Palle Sriharinath, submits that the petitioner was arrested and remanded to judicial custody on 08-02-2022. He submits that as the seized contraband of 11 kgs from the possession of petitioner/A2 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, learned Assistant Public Prosecutor and perused the record. A perusal of the complaint, remand case diary and seizure panchanama would show that the police have seized 11 kgs of dry ganja from the possession of petitioner/A2. The alleged ganja seized from the possession of A2 is 11 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 08-02-2022, 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 Cr.No.15 of 2022 on the file of Kethepally Police Station, Nalgonda District, on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of the I Additional District and Sessions Judge at Nalgonda, Nalgonda District. 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.

19th May, 2022.
sj

JUVVADI SRIDEVI, J