

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.4381 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.56 of 2022 on the file of Nereducherla Police Station, Nalgonda District, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 15-03-2022 at about 12.00 hours, on credible information, the Inspector of Police along with his staff has proceeded to Chillepally cross road on Miryalguda-Kodad road, found two persons under suspicious circumstances and seized 17.5 kgs of dry ganja from their possession 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 15-03-2022. He submits that as the seized contraband of 17.5 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 complaint and the remand report would show that the police have seized 17.5 kgs of dry ganja from the joint possession of A1 and A2. The alleged ganja seized from the possession of A1 and the petitioner/A2 is 17.5 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 15-03-2022, 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 Cr. No.56 of 2022 on the file of Nereducherla Police Station, Suryapet 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