

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.4495 of 2022

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Criminal Procedure Code by the petitioners/A1 & A2 in COR No.3 of 2022 of Prohibition and Excise Police Station, Kothagudem, registered for the offences punishable under Section 8(c) r/w. 20(b)(ii)(c) of the NDPS Act, 1985.

2. The case of the prosecution is that the petitioners were found in possession of 9.4 Kgs. of Ganja when the police searched the RTC Bus at Kothagudem.

3. Learned Counsel for the petitioners submits that the quantity seized is less than the commercial quantity and that there are no criminal antecedents against the petitioners being involved in any similar offences which is not disputed by the learned Assistant Public Prosecutor.

4. In view of the contraband seized from the petitioners being less than the commercial quantity, this Court is inclined to grant bail to the petitioners on the following conditions.

- i. the petitioners/A1 & A2 are directed to be released on bail on their executing personal bonds for Rs.25,000/- (Rupees Twenty Five Thousand only)each with two sureties for alike sum each, among which one is local

surety, to the satisfaction of the First Additional Judicial Magistrate of First Class, Kothagudem.

ii. After release on bail, the petitioners/A1 & A2 shall appear before the Investigating Officer on every Sunday between 10.00 a.m to 5.00 p.m., for a period of three months or till filing of the charge sheet whichever is earlier.

iii. The petitioners/A1 & A2 shall not indulge in any activity attracting penal consequences, failing which the police are at liberty to file petition seeking cancellation of bail.

iv. The petitioners/A1 & A2 shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.

Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any, pending shall stand closed.

06.06.2022
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K.SURENDER, J

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Dt.06.06.2022

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