

**THE HONOURABLE SRI JUSTICE K.SURENDER****CRIMINAL PETITION No.4596 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking to enlarge the petitioners/Accused Nos.4 & 5 on bail in connection with Crime No.324 of 2021 on the file of RPS, Secunderabad, registered for the offence punishable under Section 20(b) (ii) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. Briefly stated, the case of the prosecution is that on 02.12.2021 the police on receipt of complaint conducted surprise check in the trains from Kazipet to Secunderabad and on the same day at 05.15 p.m., they found three men and two women in S-6 coach and seized the following;

- i) One Trolley suitcase chocolate brown & black colour contains 5 packets of Dry Ganja and one Mobile Phone Oppo A-12 make Metallic Blue colour bearing

IMEI Nos.860302040974478 & 860302040974460 having SIM Nos.7013465479 & 7849077510 which have online IRCTC reservation tickets vide PNR Nos.6360154678 & 6822523753 were seized from the possession of A-1 Pati Pangi.

- ii) One Luggage bag multi colour contains 3 packets of Dry Ganja and One backpack shoulder bag pink colour contains 1 packet of Dry Ganja were seized from the possession of A-2 Dhanunjay Tangul.
- iii) One shoulder bag dark violet & gold colour handle contains 3 packets of Dry Ganja and one shoulder bag brown colour contains 3 packets of dry ganja were seized from the possession of A-3 Laxman Sethy.
- iv) One rexine hand bag dark brown colour contains 2 packets of dry Ganja seized from the possession of A-4 kangu Shanti Kumari.
- v) One carry jute bag wheat colour contains 2 packets of Dry Ganja seized from the possession of A-5 Tapula Srilatha.

4. The police had weighed 19 packets which come to 38 Kgs of ganja in total, each packet of 2 kgs. approximately.

5. As per the remand report 4 kgs were seized from 1<sup>st</sup> petitioner/Accused No.4 and 4 kgs seized from 2<sup>nd</sup> petitioner/Accused No.5, as such, learned counsel for petitioners requests to grant bail as quantity seized from the petitioners is less than commercial quantity.

6. Seizure of 8 kgs. of ganja from the petitioners is not disputed by the learned Assistance Public Prosecutor and there are no other cases pending against these petitioners.

7. In the said circumstances, this court is inclined to grant bail to the petitioners/Accused Nos.4 and 5 on the following conditions.

i) The petitioners/Accused Nos.4 and 5 are directed to be released on bail on their executing personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for like sum each, to the satisfaction of II Metropolitan Magistrate for Railways Court at Secunderabad.

ii) The petitioners shall appear before the concerned Police on every Wednesday and Sunday between 10.00 A.M to 05.00 P.M, for a period of three months or until filing of charge sheet, whichever is earlier.

iii) The petitioners/Accused Nos.4 and 5 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 in this criminal petition, shall stand closed.

Date: 09.06.2022  
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**K.SURENDER, J**