

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.4827 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 petitioner/Accused No.1 on bail in connection with Crime No.15 of 2022, on the file of Kethepally Police Station, Nalgonda, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "N.D.P.S.Act").

2. The case of the prosecution is that on 08-02-2022 at about 12.10 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 A-1 and 11 kgs. of ganja from A-2 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 10 kgs.

from the possession of petitioner/A-1 is not a commercial quantity, there is no bar under Section 37 of the N.D.P.S.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/Accused No.1, 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 10 kgs. of dry ganja from the possession of petitioner/Accused No.1. The alleged ganja seized from the possession of petitioner/Accused No.1 is 10 kgs., which is more than the small quantity and less than the commercial quantity i.e. intermediate quantity and the petitioner/Accused No.1 is languishing in jail since 08-02-2022. Further, this Court by order dated 19-05-2022 in Criminal Petition No.4382 of 2022 granted bail to the accused No.2.

6. In the said circumstances, this Court is inclined to grant bail to the petitioner/Accused No.1 on the following conditions:

- i) The petitioner/Accused No.1 is directed to be released on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each, to the satisfaction of I Additional District and Sessions Judge at Nalgonda, Nalgonda District.
- ii) The petitioner/Accused No.1 shall appear before the Police concerned on every Sunday between 10.00 A.M. and 05.00 P.M., for a period of two months or till filing of the charge sheet, whichever is earlier.
- iii) The petitioner/Accused No.1 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.

K.SURENDER, J

Date: 20.06.2022
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