

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5314 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 regular bail to the petitioner who is arrayed as Accused No.3 in Crime Occurrence Report No.67 of 2021 on the file of Prohibition and Excise Station, Balanagar for the offence punishable under Section 8(c) read with Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard learned counsel for the petitioner/Accused No.3 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that on 29.10.2021 the Balanagar Excise Personnel found totally four persons who were dealing with ganja and in petitioner's possession 2 kgs 300 grams of ganja was found.

4. Learned counsel for the petitioner submits that Accused Nos.1 and 2 from whom ganja was seized were also released on bail. However, this is petitioner/Accused No.3 and Accused No.4 are absconding. Learned counsel further submits that the petitioner is a student and there are no other criminal antecedents as far as this petitioner is concerned. He further submits that the petitioner has to appear for his examinations and he has been falsely implicated in this case. Therefore, prayed the Court to grant bail.

5. On instructions learned Assistant Public Prosecutor would submit that there are no other criminal antecedents as far as this petitioner is concerned.

6. In the said circumstances, in view of the contraband being 2 kgs 300 grams of ganja which is less than commercial quantity, the petitioner who is a student can be granted bail subject to conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.3 is granted bail subject to the following conditions:

- i) The petitioner/Accused No.3 shall execute 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 VII Metropolitan Magistrate-cum-excise Court at L.B.Nagar.
- ii) The petitioner/Accused No.3 shall appear before the Prohibition and Excise Station, Balanagar on every Monday between 10.30 AM and 01.00 PM for a period of three (03) months or until filing of charge sheet whichever is earlier.
- iii) The petitioner/Accused No.3 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 27.06.2022
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K.SURENDER, J