

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 7356 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioners – Accused Nos. 1 and 2 in Crime No. 135 of 2021 on the file of Burgampahad Police Station, registered for the offence punishable under Section 8(c) read with Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 29.06.2021, at about 1.00 P.M., Additional Sub-Inspector of Police along with staff while conducting vehicle check at Musalamadugu Village near KCR Colony, found petitioners and seized ganja in plastic bags from them. It is alleged that petitioners confessed that they purchased contraband so as to sell the same in Maharashtra State.

3. Learned counsel for petitioners Sri Parsa Ananth Nageswar Rao submits that it is alleged that contraband of 52 kgs. is seized in this crime. He submits that petitioners were arrested and remanded to judicial custody on 29.06.2021 and from the last 189 days, they have been languishing in jail. Learned counsel submits that entire investigation is completed and charge-sheet is also filed. It is submitted that petitioners have no criminal antecedents and they are ready to cooperate with the trial, hence, their case may be considered for grant of bail.

4. Learned Assistant Public Prosecutor, on the other hand, submits that commercial quantity of 52 kgs. is seized. He submits that petitioners belong to Aurangabad of Maharashtra

State and even in the cause title, full details of petitioners have not been furnished. It is stated that if petitioners are enlarged on bail, at this stage, it would be very difficult for prosecution to secure their presence during the course of trial.

5. Learned counsel for petitioners, by way of the memo, dated 04.01.2022, filed Aadhar Card of petitioner No.1 and voter ID, Transfer Certificate and Aadhar Card of petitioner No.2. He submits that both the petitioners have fixed place of abode, hence, their case may be considered for grant of bail.

6. Taking into consideration the fact that petitioners are languishing in jail from 29.06.2021 onwards and as nothing is forthcoming to show that they are habitual offenders, this Court deems it appropriate to grant bail to them, however, on certain conditions.

7. The Criminal Petition is therefore, allowed. Petitioners – Accused Nos. 1 and 2 shall be enlarged on bail in connection with Crime No. 135 of 2021 on the file of Burgampahad Police Station on each of them executing a personal bond for a sum of Rs. 1,00,000/- (Rupees one lac only) with two sureties for a like sum each to the satisfaction of Judicial First Class Magistrate at Bhadrachalam. Petitioners – Accused Nos. 1 and 2 shall not leave the State and they shall appear before the police concerned on every Sunday between 10.00 a.m. and 2.00 P.M. till completion of trial.

LALITHA KANNEGANTI, J