

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 5625 of 2022

ORDER:

This Criminal Petition is filed under Section 437 & 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioners/A6 & A7 on bail in connection with Crime No.21 of 2022, on the file of Chityal Police Station, Nalgonda District for the offences punishable under Section 20(b) (ii) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

3. The facts of the case are that on 08.02.2022, the Sub-Inspector of Police, Chityal Police Station received credible information, on that he along with his staff rushed to Punjabi Dhaba situated at the outskirts of Gundrampally Village of Chityal Mandal, noticed (8) members i.e. A1 to A8 who are sitting in a hotel and discussing about dry ganja purchasing and sold the same in between them and on seeking the police, A1 escaped from there and the police apprehended A2 to A8 and on checking they found 230 dry ganja packets each 2 kgs., total 460 kgs. of ganja which are kept in Innova Car bearing No.AP 29 BD 9292 and the same was seized along with (7) cell phones, 3 cards and Rs.4,00,000/- net cash under cover of panchanama.

4. Learned Counsel for the petitioners submits that the recoveries according to the remand report was at the instance of A2 and except stating that these petitioners and others were sitting in a hotel, there are no seizures effected at the instance of these petitioners.

5. The said factual scenario is not disputed by the learned Assistant Public Prosecutor in accordance with the panchanama. However, learned Assistant Public Prosecutor opposed the grant of bail to the petitioner on the ground that the confession reflects that money was paid to A2 for the purpose of delivery of the contraband.

6. As seen from the record, these petitioners were sitting in the hotel and as there are no recoveries at the instance of these petitioners, nor did not police discover any fact at the instance of these petitioners, for the said reason, this Court is inclined to grant bail to the petitioners/A6 & A7.

7. Accordingly, the Criminal Petition is allowed and the petitioners/A6 & A7 are granted bail subject to the following conditions:

- i. The petitioners/ A6 & A7 are directed to be released on bail on their executing personal bond for Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties for like sum each, among which one is local surety and the other is native surety, to the satisfaction of I Additional District and

Sessions Judge-cum-Designated Court for the trial of Cases under NDPS Act, Nalgonda.

ii. On such release, the petitioners/A6 & A7 shall appear before the concerned Police Station on every Sunday between 10.30 a.m. to 1.00 p.m. for a period of three months or till filing of charge sheet whichever is earlier, for the purpose of investigation.

iii. The petitioners/A6 & A7 shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.

8. Accordingly, the Criminal Petition is allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date :06.07.2022
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K.SURENDER, J

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Dt.06.07.2022

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