

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5787 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 seeking bail to the petitioner who is arrayed as Accused No.2 in the event of his arrest in Crime Occurrence Report No.52 of 2022 on the file of Station House Officer, Prohibition and Excise Station, Balanagar Police Station, Medchal District, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(A) of NDPS Act.

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

3. The case of the prosecution is that on 23.06.2022 while the prohibition and excise personnel were conducting search at Vivekanandanagar, Borabanda, found two persons on different vehicles and on seeing the excise personnel, the said persons escaped. Later it was known that the vehicle that this petitioner was riding had 180 grams of dry ganja in a black plastic cover.

4. Learned counsel for the petitioner/Accused No.2 submits that the alleged ganja found is 180 grams which is less than commercial quantity.

5. Learned Assistant Public Prosecutor on instructions would submit that there are no other cases pending as far as this petitioner is concerned.

6. In the said circumstances, the ganja being less than small quantity and petitioner/Accused No.2 having no other questionable antecedents, can be granted the relief of anticipatory bail.

7. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.2 shall be enlarged on bail in the event of his arrest subject to the following conditions:

i) The petitioner/Accused No.2 is directed to surrender before the Station House Officer, Prohibition and Excise Station, Balanagar Police Station, Medchal District within one week from today, and on such surrender, he shall be enlarged on bail on his executing personal bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties to the like sum each, to its satisfaction.

ii) The petitioner/Accused No.2 shall appear before the concerned Station House Officer on every Monday between 10.30 AM and 01.00 PM for a period of two (02) months or till filing of charge sheet whoever is earlier.

iii) The petitioner/Accused No.2 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

8. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER, J

Date: 11.07.2022
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