

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.8239 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.2 in Cr.No.224 of 2021 on the file of Mangalhat Police Station, Hyderabad District, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 27.09.2021 at 10.00 hours, while the Sub-Inspector of Police along with his staff was on patrolling duty, they noticed two persons coming by walk from Baba Balakdas Mutt with two plastic gunny bags, and on search, they seized 21 kgs of granja under a cover of panchanama.

3. Learned counsel for petitioner Mr. Akkam Eshwar, submits that the petitioner is alleged to have committed the offence under Section 8(c) read with 20(b)(ii)(c) of NDPS Act, for seizure of contraband of 21 kgs, but from the possession of petitioner, contraband of 11 kgs is only seized. Learned counsel submits that the petitioner was arrested and remanded to judicial custody on 27.09.2021 and from the last 150 days, he is languishing in jail. He submits that the contraband that is seized from the possession of the petitioner is not a commercial quantity, as such there is no bar under Section 37 of the NDPS Act and hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the petitioner has criminal antecedents as two cases were registered against him under the NDPS Act, in 2018 and 2019 and the contraband of 1.5 kgs and 1.1 kgs respectively, were recovered from his possession. He submits that the petitioner being habitual offender is not entitled for bail at this stage that too, investigation is pending.

5. Taking into consideration the fact that the contraband seized from the possession of the petitioner is 11 kgs, which is not a commercial quantity, and the petitioner is languishing in jail from the last 150 days, this Court deems it appropriate to grant bail to him, however, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No.2 shall be enlarged on bail in connection with Cr.No.224 of 2021 on the file of Mangalhat Police Station, Hyderabad District, on his executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the XVI Additional Chief Metropolitan Magistrate at Hyderabad. Petitioner – Accused No.2 shall appear before the police till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

LALITHA KANNEGANTI, J

23rd February, 2022

sj

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.1075 of 2022

Date:10-02-2022

sj