

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 8642 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No. 1 in Crime No. 261 of 2021 on the file of Khammam III Town Police Station, registered for the offence punishable under Section 20(b) read with Section 8(c) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 05.10.2021, while Sub-Inspector of Police, Khammam III Town Police Station along with staff conducting patrolling at their Police Station area, near M.R. Subhavela Function Hall, they found Accused No.2 and others standing beside the road, parking their motor cycle with a bag and on seeing the police, they tried to run away, but police chased and apprehended them and found 3kgs. 500 grams of ganja. It is alleged that Accused No.2 confessed that at the instance of Accused No.1, he went to Seeleru of Visakhapatnam and purchased ganja from unknown persons.

3. Learned counsel for petitioner Sri J.P. Srikanth submits that petitioner is arrayed as Accused No.1 and it is alleged that a contraband of 4 kgs. is seized in this crime. He submits that petitioner was arrested and remanded to judicial custody on 11.10.2021 and since then, he has been languishing in jail. He further submits that petitioner is unconnected with the alleged offence and nothing has been seized from his possession and basing on the confession of other accused, he has been implicated in this case. It is submitted that as contraband seized

is not commercial quantity, there is no bar under Section 37 of the NDPS Act to grant bail to petitioner.

4. Learned Assistant Public Prosecutor, on the other hand, submits that though contraband seized is not commercial quantity, petitioner is a habitual offender and there are two more cases registered against him in 2021. He submits that as of now, five witnesses were examined and investigation is still pending, hence, petitioner is not entitled for grant of bail.

5. Taking into consideration the fact that contraband seized in this crime is not a commercial quantity and further petitioner is languishing in jail from the last 85 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. 1 shall be enlarged on bail in connection with Crime No. 261 of 2021 on the file of Khammam III Town Police Station on his 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 III Additional Judicial First Class Magistrate at Khammam. Petitioner – Accused No. 1 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

03rd January 2022

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