

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9028 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused No.1 in Crime No. 324 of 2021 on the file of Devarakonda Police Station, Nalgonda District, registered for the offence punishable under Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 02.01.2021 at 16.00 hours, while the Sub-Inspector of Police along with his staff was conducting vehicle checking at Devarakonda Town, they stopped a car bearing No.AP-10 AJ 4411 under suspicious circumstances, found two persons therein, and on search, they seized 14 kgs of ganja from their possession under a cover of panchanama.

3. Learned counsel for the petitioner Mr. M.A.K.Mukheed, submits that the petitioner was arrested and remanded to judicial custody on 03.10.2021 and from the last 150 days, he is languishing in jail. He submits that as the seized contraband of 14 kgs is not a commercial quantity, there is no bar under Section 37 of the NDPS Act to grant bail to the petitioner and hence, his case may be considered for grant of bail.

3. On the other hand, learned Assistant Public Prosecutor submits that the petitioner is having criminal antecedents as Cr.No.179 of 2019 on the file of Kanchikacherla Police Station, Krishna District, and Cr.No.138 of 2020 on the file of Tappachabutra Police Station, Hyderabad, were registered for the offence under Section 20(b) of NDPS Act, against the petitioner. He further submits that the investigation is pending and so far, 5 witnesses were examined and at this stage, the petitioner is not entitled for grant of bail.

4. Taking into consideration the fact that the contraband seized is 14 kgs., which is not a commercial quantity and further as the petitioner is languishing in jail from the last 150 days, this Court deems it appropriate to grant bail to the petitioner.

5. The Criminal Petition is therefore, allowed. Petitioner - Accused No. 1 shall be enlarged on bail in Crime No. 324 of 2021 on the file of Devarakonda Police Station, Nalgonda District, on his executing a personal bond for a sum of Rs.75,000/- (Rupees seventy five thousand only) with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate at Devarakonda. The petitioner shall appear before the police concerned till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

3rd March, 2022.

LALITHA KANNEGANTI, J

sj