

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9029 of 2021

ORDER:

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/A.3 in connection with Crime No.364 of 2021 of Nalgonda-I Town Police Station, Nalgonda District, wherein the petitioner is alleged to have committed the offence punishable under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 20.10.2021, the Sub-Inspector of Police, Nalgonda-I Town Police Station, on reliable information, he along with his staff rushed to the open place situated at behind Jubilee Hills, A.R. Nagar road, Nalgonda, and at 0515 hours, they found that A.1 to A.3 are in possession of ganja for the purpose of selling the same. The police seized 26 kgs. of ganja from them and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.M.A.K. Mukheed, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that the alleged contraband of 26 kgs. is seized in this crime. It is submitted that the petitioner was remanded to judicial custody on 20.10.2021 and from the last 115 days he is languishing in jail. It is further submitted that already this Court has granted bail to A.1 and A.2 and further as per the

panchanama and remand report, the contraband of 26 kgs. is seized from the possession of A.1 and A.2. The only allegation against the petitioner is that the petitioner was present at the scene of offence and it is the confession of the other accused that petitioner purchased the contraband and promised to pay the amount. Learned counsel submits that the petitioner has been implicated in this case and nothing is seized from the possession of the petitioner. As A.1 and A.2 were already granted bail, the petitioner may also be enlarged on bail.

5. On the other hand, learned Additional Public Prosecutor submits that the petitioner is a habitual offender, earlier the petitioner has committed the offence under the provisions of NDPS Act and the same is registered as Crime No.346 of 2021 on the file of Nalgonda-I Town Police Station. However, he does not dispute the fact that A.1 and A.2 were already granted bail by this Court. He further submits that so far five witnesses were examined. As the investigation is still pending, the petitioner is not entitled for bail, at this stage.

6. Taking into the consideration the fact that the contraband that is seized from the possession of A.1 and A.2, further they were already granted bail by this Court, this Court deems it appropriate to grant bail to the petitioner/A.3.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.3 shall be enlarged on bail 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 Judicial First class Magistrate, Nalgonda. On such release, the petitioner shall appear before

the Station House Officer, Nalgonda-I Town Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

As a sequel, all the pending miscellaneous applications shall stand closed.

LALITHA KANNEGANTI, J

Date: 16.02.2022

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