

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9030 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/accused in connection with COR.No.266 of 2021 of Prohibition and Excise Station, Bhadrachalam, wherein the petitioner is alleged to have committed the offence punishable under Section 8(c) read with 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 04.11.2021, the Prohibition and Excise Inspector, AC Enforcement, Khammam, and Prohibition and Excise Inspector, Bhadrachalam, along with staff conducted raids at Auto stand before Bus Stand, Bhadrachalam, and found the accused was in possession of 26 kgs. of dry ganja and seized the said ganja from him and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.parsa Ananth Nageswar Rao, 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. He submits that even the averments in complaint reveal that only for statistical purpose, the petitioner has been implicated in this case. Further, it is also stated that the Enforcement Team implicated two persons on the same day, who are also non-locals, on similar set of facts. He further submits that the petitioner is languishing in jail from 04.11.2021 and he

has no criminal antecedents. Hence, his case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits the petitioner belongs to Maharashtra State and if he is enlarged on bail, it is difficult for the prosecution to secure his presence during the course of trial. 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 petitioner is languishing in jail from the last 103 days and nothing is forthcoming to show that the petitioner is a habitual offender, this Court deems it appropriate to grant bail to the petitioner/accused on certain conditions.

7. Accordingly, this Criminal Petition is allowed and the petitioner/accused 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, Bhadrachalam, subject to producing Aadhar card and other relevant documents. On such release, the petitioner shall appear before the Station House Officer, Prohibition and Excise Station, Bhadrachalam, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed. Further, the petitioner shall not leave the State without prior permission of the concerned Court.

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

LALITHA KANNEGANTI, J

Date: 16.02.2022

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