

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9055 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 petitioners/A.1 and A.2 in connection with COR.No.265 of 2021 of Prohibition and Excise Station, Bhadrachalam, wherein the petitioners are 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, Bhadrachalam, along with his staff conducted raids near bus stand area, Khammam, and found the accused are in illegal possession of 32 kgs. of dry ganja in two packets, each 16 kgs. On interrogation, they disclosed their identity and police seized 32 kgs. of dry 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.Parsa Ananth Nageswar Rao, learned counsel for petitioners, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioners submits that the alleged contraband of 32 kgs. is seized in this crime. He submits that petitioners are languishing in jail from the last 90 days. It is submitted that the petitioners are unconnected with the alleged offence and they have been implicated in this case falsely. It is further submitted that the petitioners have no criminal

antecedents and they are ready to cooperate with the investigation. Hence, the petitioners' case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that investigation is pending and 32 kgs. of contraband is seized in this crime. It is submitted that petitioners belong to Maharashtra State and if they are enlarged on bail, it is difficult for the prosecution to secure their presence during trial. Hence, the petitioners are not entitled for bail, at this stage.

6. Taking into the consideration the fact that the petitioners are languishing in jail from the last 90 days and nothing is forthcoming to show that the petitioners are habitual offenders, this Court deems it appropriate to grant bail to the petitioners/A.1 and A.2 on certain conditions.

7. Accordingly, this Criminal Petition is allowed and the petitioners/A.1 and A.2 shall be enlarged on bail on executing personal bonds for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Bhadrachalam. 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 petitioners shall not leave the State without prior permission of the concerned Court.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 07.02.2022
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