

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.9379 OF 2021

ORDER:-

This petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/accused in the event of his arrest in connection with Crime No.51 of 2021 of Vatpally Police Station, Sangareddy District, registered for the offence punishable under Section 8(c) r/w 20(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "**NDPS Act**").

2. The case of the prosecution is that on 20.11.2021 at 1300 hours on receiving credible information, the Sub-Inspector of Police along with staff and two panchas proceeded to Palvatla Village and in that village there is empty space adjacent to the house of the petitioner and found 65 ganja plants. They seized four plants and remaining are burnt under the cover of a panchanama and registered the present crime.

3. Heard Mr.Rajashekar Thallapally, learned counsel for the petitioner, and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that there are 65 ganja plants in the vacant site adjacent to House No.3-31, which belongs to the petitioner. He submits that the vacant site is not belongs to the petitioner and the petitioner is no way concerned with the said cultivation of ganja

plants. He further submits that police, without even verifying whether the petitioner is the owner of the said vacant site or not, has arrayed the petitioner as accused. Hence, petitioner's case may be considered for grant of pre-arrest bail.

5. On the other hand, learned Assistant Public Prosecutor has filed photographs to show that ganja plants were grown in the vacant site, adjacent to the petitioner's house.

6. Learned counsel for the petitioner has also filed the certificate issued by the Panchayat Secretary stating that there is no open land adjacent to the house of the petitioner.

7. Learned Assistant Public Prosecutor submits that as per the panchanama, the house as well as the open land belongs to the petitioner and on that ground, he was arrayed as accused.

8. Taking into consideration the certificate issued by the Panchayat Secretary and nothing has been placed on record to show that the petitioner is the owner of the vacant site, this Court deems it appropriate to grant pre-arrest bail to the petitioner/accused.

9. Accordingly, this Criminal Petition is allowed. Petitioner/accused shall surrender before the Vatpally Police Station, Sanga Reddy District, in connection with Crime No.51 of 2021 within one week from today and on such surrender and executing a personal bond for a sum Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum

each to the satisfaction of the said Station House Officer, he shall be released on bail. It is made clear that no further extension of time will be granted.

Consequently, miscellaneous applications pending, if any, shall stand closed.

LALITHA KANNEGANTI, J

Date :04.01.2022

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