

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9207 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioners – Accused Nos. 1 and 2 in Crime No. 1252 of 2021 on the file of Miyapur Police Station, registered for the offence punishable under Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 17.09.2021, Sub-Inspector of Police along with staff were doing patrolling duty in Miyapur Police limits and at about 17.30 hours, when they visited Madinaguda Bus Stop near Gandhi Statue, they found two persons sitting on the chair with a bag and on suspicion, police checked the bag and found 15 packets sealed with plastic brown tape, and on enquiry, they found 30 kgs. of ganja in the bag.

3. Learned counsel for petitioner Sri Palle Sriharinath submits that petitioners are arrayed as Accused Nos.1 and 2 and are alleged to have committed the offence under Section 20(b)(ii)(C) of the NDPS Act. He submits that petitioners are unconnected with the alleged offence and they have been falsely implicated in this case. Further, it is submitted that contraband of 30 kgs. is seized in this crime and petitioners were arrested and remanded to judicial custody on 17.09.2021 and since then, they have been languishing in jail. Learned counsel submits that petitioners have no criminal antecedents and as they are languishing in jail from the last 130 days, their case may be considered for grant of bail.

4. Learned Assistant Public Prosecutor, on the other hand, submits that so far, six witnesses were examined and investigation is still pending. He however, does not dispute the fact that petitioners have no criminal antecedents.

5. Taking into consideration the fact that petitioners have been languishing in jail since 17.09.2021 and as nothing is forthcoming to show that they have criminal history, this Court deems it appropriate to grant bail to them, however, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioners – Accused Nos. 1 and 2 shall be enlarged on bail in connection with Crime No. 1252 of 2021 on the file of Miyapur Police Station, on each of them 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 Principal Junior Civil Judge-cum-VIII Additional Metropolitan Magistrate at Kukatpally. Petitioners – Accused Nos. 1 and 2 shall appear before the police concerned on every Sunday between 10.00 a.m. and 2.00 P.M. till completion of trial.

LALITHA KANNEGANTI, J

24th January 2022

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