

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9232 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 of Cr.P.C., is filed by petitioner – Accused No.1 in connection with Crime No.498 of 2020 of Afzalgunj Police Station, registered for the offence punishable under Section 8 (c) r/w 20 (b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”), seeking bail.

2. The case of the prosecution is that on 22.10.2020 at 0850 hours on receipt of credible information about illegal possession of Ganja, the Detective Inspector of Police, Afzalgunj along with his staff rushed to CBS Bus stand, Afzalgunj, Hyderabad and apprehended A-2 to A-5 and seized four polymer bags of Ganja weighing 36 Kgs. Basing on the said report, the present crime was registered. Basing on the confession made by A-2 to A-5 that the said Ganja belongs to petitioner, he was arrayed as A-1.

3. Heard Sri Rapolu Bhaskar, learned counsel for petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent-State.

4. Learned counsel for petitioner submits that contraband of 36 KGs was seized in this case and the petitioner is unconnected with the alleged offence. He submits basing on the confession made by other accused, petitioner is arrayed as A-1 and further, he is languishing in jail from the last 85 days. He submits that entire investigation is completed, charge sheet is

also filed and petitioner has no criminal antecedents, as such his case may be considered for grant of bail.

5. *Per contra*, learned Assistant Public Prosecutor submits that at the instance of petitioner, other accused were carrying contraband. However, he does not dispute the fact that charge sheet was already filed and the petitioner has no criminal antecedents.

6. Taking into consideration the fact that basing on the confessional statements of other accused, petitioner is arrayed as A-1 in this case, entire investigation is completed and further nothing is forthcoming to show that petitioner has got criminal antecedents, this Court deems it appropriate to grant bail to the petitioner, however on certain conditions.

7. In the result, criminal petition is allowed and the petitioner/ Accused No.1 shall be enlarged on bail in connection with Crime No.498 of 2020 of Afzalgunj Police Station on his executing a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of II Additional Chief Metropolitan Magistrate, Hyderabad. On such release, petitioner shall appear before the police on every Sunday between 10.00 a.m. and 12.00 p.m. till completion of trial.

LALITHA KANNEGANTI, J

17th January, 2022

PVD

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9232 of 2021

17.01.2022

PVD