

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9322 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 to 6 in Crime No. 606 of 2021 on the file of Subedari Police Station, Hanamkonda registered for the offence punishable under Section 8(c) read with Sections 20, 22, 27 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 03.11.2021, Assistant Sub-Inspector of Police, Subedari Police Station gave a report stating that on receipt of reliable information, police raided Room No. 104 of OYO R-Square lodge and found petitioners in possession of contraband. It is alleged that on interrogation, petitioners confessed that they were consuming dry ganja, LSD, Charas, Cocaine, MDMA Pills, Weed Oil, Liquid ganja and from their possession, 300 grams of dry ganja Lysergic acid Diethylamide papers – 15, Charas about 5 grams, cocaine about 1 gram, MDMA Pills about 365, Weed oil, liquid ganja about 10 mld, 2- weed crusher machines, OCB trips pipes and mobile phones were seized.

3. Learned counsel for petitioners Sri A. Prabhakar Rao submits that petitioners 1, 3, 4, 5 and 6 are students and petitioner No.2 is a software employee and they are all implicated in this case. He further submits that as contraband seized is not commercial quantity, there is no bar under Section 37 of the NDPS Act for grant of bail. It is stated that petitioners were arrested on 03.11.2021 and since then, they have been languishing in jail.

Learned counsel submits that petitioners have no criminal antecedents, hence, their case may be considered for grant of bail.

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

5. Taking into consideration the fact that contraband seized in this crime is not a commercial quantity and further petitioners have no criminal antecedents, 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 to 6 shall be enlarged on bail in connection with Crime No. 606 of 2021 on the file of Subedari Police Station, Hanamkonda 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 I Additional Sessions Judge, Warangal. Petitioners – Accused Nos. 1 to 6 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

04th January 2022

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