

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9428 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 petitioner/A.5 in connection with Crime No.220 of 2021 of Kattangur Police Station, Nalgonda District, wherein the petitioner is alleged to have committed the offence punishable under Section 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 05.10.2021, on credible information about the transportation of ganja, the PSI along with his staff conducted vehicle checking in Vijayawada-Hyderabad NH 65 at Nalgonda X Road and at about 1130 hours, on seeing the police party, accused No.3 dropped accused Nos.1, 2, 4 and 5 along with 4 bags and fled away in his car along with 20 kgs. of ganja bag. The police party apprehended accused Nos.1, 2, 4 and 5 and found ganja containing in four plastic bags. The police seized 30 kgs. of 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.M.A.K. Mukheed, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that total contraband of 30 kgs. is seized in this crime. He submits that petitioner is implicated in this case falsely. The petitioner is languishing in jail from 11.10.2021. He further submits that petitioner has no criminal antecedents. Hence, the petitioner's case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that the petitioner belongs to Odissa State and if he is enlarged on bail, it is difficult for the prosecution to secure his presence during the course of trial. However, he does not dispute the fact that petitioner is not having any criminal antecedents. He further submits that investigation is pending and so far nine witnesses were examined. Hence, at this stage, the petitioner is not entitled for bail.

6. Taking into the consideration the fact that the petitioner is languishing in jail from 11.10.2021 and nothing is forthcoming to

show that the petitioner is a habitual offender, this Court deems it appropriate to grant bail to the petitioner/A.5.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.5 shall be enlarged on bail on his 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 the Judicial First Class Magistrate, Nakrekal, subject to producing Aadhar card and other relevant documents. On such release, the petitioner shall appear before the Station House Officer, Kattantur Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed. Further, the petitioner shall not leave the State without prior permission of the concerned Court.

As a sequel, all the pending miscellaneous applications shall stand closed.

LALITHA KANNEGANTI, J

Date: 21.02.2022

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