

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9578 AND 9579 of 2021

COMMON ORDER:

These Criminal Petitions under Sections 437 and 439 Cr.P.C. are filed by the petitioners – Accused Nos. 3 and 2 in Crime No. 569 of 2021 on the file of Chaitanyapuri Police Station, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 23.09.2021, at about 14.00 hours, on receipt of credible information that some persons were illegally transporting ganja from Rajahmundry to Hyderabad, Detective Inspector of Police along with staff conducted vehicle check at Astalakshmi Kaman, Kothapet, Chaitanyapuri, and stopped one vehicle bearing Registration No. TS 09 UC 6597 and found two persons along with driver with three bags consisting of packets which are packed by brown tape and on examination, they were found to be of ganja.

3. Learned counsel for the petitioners Ms. Vladimeer Khatoon submits that the respective petitioners are arrayed as Accused Nos. 3 and 2 and it is alleged that contraband of 23.14 kgs. is seized in this crime. She submits that petitioners are unconnected with the alleged offence and they have been implicated falsely. Further, it is submitted that petitioners were arrested and remanded to judicial custody on 24.09.2021 and from the last 130 days, they have been languishing in jail. The learned counsel submits that as the petitioners are ready to cooperate with the investigation, their case may be considered for grant of bail.

4. Learned Assistant Public Prosecutor, on the other hand, submits that so far, seven witnesses were examined and investigation is still pending. He, however, does not dispute the fact that petitioners have no criminal antecedents. The learned Assistant Public Prosecutor submits that contraband seized in this crime is a commercial quantity, hence, the petitioners are not entitled for grant of bail.

5. Taking into consideration the fact that the petitioners are languishing in jail from the last 130 days and as nothing is forthcoming to show that the petitioners are habitual offenders, this Court deems it appropriate to grant bail to them, however, on certain conditions.

6. The Criminal Petitions are therefore, allowed. Petitioners – Accused Nos. 3 and 2 shall be enlarged on bail in connection with Crime No. 569 of 2021 on the file of Chaitanyapuri 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 the VI Additional Metropolitan Magistrate –cum-VI AJCJ at L.B. Nagar. Petitioners – Accused Nos. 3 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

01st February 2022

ksld