

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9888 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioners – Accused Nos. 2 and 3 in Crime No. 140 of 2021 on the file of Vijayapuri Town Police Station, Nalgonda registered for the offence punishable under Section 20(b)(ii) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 21.10.2021, at about 11.30 hours, Inspector Police, Vijayapuri Town Police Station along with his staff conducted patrolling at Hill Colony of Nagarjun Sagar where they found petitioners with two white bags containing dry ganja leaves at Indira Gandhi Statue and seized the same.

3. Learned counsel for petitioners Sri Praveen Kumar Veerjala submits that though contraband of 20 kgs. is seized in the crime, it is mentioned as 22 kgs., and as per the panchanama also, it is evident that contraband seized is only 20 kgs., which is not a commercial quantity. He submits that Accused No.1 was already granted bail by the Court below by order dated 18.02.2021 *vide* CrI.M.P.No. 1589 of 2021. Learned counsel submits that petitioners were arrested and remanded to judicial custody on 21.10.2021 and since then, they have been languishing in jail. It is submitted 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 three crimes were registered against petitioner

No.1 in 2009, 2011 and 2014 under the provisions of the NDPS Act and that he is a habitual offender. As far as petitioner No.2 is concerned, learned Assistant Public Prosecutor does not dispute the fact that he has no criminal history.

5. Taking into consideration the fact that contraband seized is not a commercial quantity and Accused No.1 in the crime was already granted bail, this Court deems it appropriate to grant bail to petitioners – Accused Nos., 2 and 3 also, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioners – Accused Nos. 2 and 3 shall be enlarged on bail in connection with Crime No. 140 of 2021 on the file of Vijayapuri Town Police Station. Petitioner No.1 shall execute a personal bond for a sum of Rs.1,00,000/- (Rupees one lac only) and petitioner No.2 for a sum of Rs.50,000/-, with two sureties each for a like sum each to the satisfaction of Judicial First Class Magistrate at Nidamanur, Nalgonda District. Petitioners 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

05th January 2022

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