

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 9507 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No. 1 in Crime No. 375 of 2021 on the file of Bhadrachalam Town Police Station, registered for the offence punishable under Section 8(c) read with Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 11.09.2021, at about 08.00 hours, Sub-Inspector of Police along with staff, while conducting vehicle check at forest check post of Bhadrachalam, found one car bearing Registration No. TS 26 A 1421 and stopped and checked the vehicle thoroughly and found dry ganja. It is alleged that during the course of interrogation, petitioner disclosed his name and address and revealed that he along with other accused involved in selling dry ganja to meet their luxuries.

3. Learned counsel for petitioner Sri Venkata Rama Rao Mittakola submits that petitioner is arrayed as Accused No.1 and it is alleged that contraband of 48 kgs. is seized in this crime. It is submitted that petitioner was arrested on 11.09.2021 and from the last 124 days, he has been languishing in jail. Learned counsel submits that petitioner is a senior citizen aged about 65 years and he lost his eye sight and his wife is a handicapped person, who is depending on him. It is also stated that petitioner is a resident of Kotya Thanda Village of Mahaboobabad District and he is an illiterate and he has been implicated in this case. Learned counsel submits that petitioner has no criminal antecedents and further

taking into consideration the health condition of petitioner and his wife, his case may be considered for grant of bail.

4. Learned Assistant Public Prosecutor, on the other hand, submits that it is alleged that Accused Nos.1 to 3 have procured ganja from Accused Nos. 4 and 5 and there are specific overt acts against the petitioner. He further submits that so far, three witnesses were examined and investigation is still pending. It is stated that Accused Nos. 4 to 8 are still absconding, hence, the petitioner's case cannot be considered for grant of bail.

5. Taking into consideration the health condition of petitioner as well as his wife and as petitioner is languishing in jail from the last 124 days, this Court deems it appropriate to grant bail to him, however, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused No. 1 shall be enlarged on bail in connection with Crime No. 375 of 2021 on the file of Bhadrachalam Town Police Station, 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 Judicial Magistrate of I Class at Bhadrachalam. Petitioner – Accused No. 1 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

24th January 2022

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