

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9697 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused in C.O.R.No.48 of 2021 on the file of Balanagar Prohibition and Excise Station, Ranga Reddy District, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 04.09.2021 at 09.30 pm, on reliable information, the Excise Officials reached at H.No.11-81, Parthiwada, Fathenagar, Balanagar Mandal, and seized 2.310 kgs of dry ganja under a cover of panchanama and the accused was absconding from the scene of offence.

3. Learned counsel for petitioner Mr. V. Sudhakar Babu, submits that the petitioner was arrested and remanded to judicial custody on 26.11.2021 and since then, he is languishing in jail. He submits that the alleged contraband of 2.310 kgs is not a commercial quantity and as such, there is no bar under Section 37 of the NDPS Act to grant bail to the petitioner and hence, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the petitioner has earlier involved in an offence under NDPS Act and another offence under Excise Act. He submits that the investigation is pending and so far, two witnesses were examined and at this stage, the petitioner is not entitled for bail.

5. In response to the same, learned counsel for the petitioner submits that the said case is of the year 2017 and the same was ended up an acquittal.

6. Taking into consideration the fact that contraband seized in this crime is 2.310 kgs, which is not a commercial quantity, and as the petitioner is languishing in jail since 26.11.2021, this Court deems it appropriate to grant bail to him, however, on certain conditions.

7. The Criminal Petition is therefore, allowed. Petitioner - Accused shall be enlarged on bail in connection with C.O.R.No.48 of 2021 on the file of Balanagar Prohibition and Excise Police Station, Ranga Reddy District, 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 VII Additional Metropolitan Magistrate-cum-Prohibition and Excise Court, L.B.Nagar, Ranga Reddy District. Petitioner – Accused shall appear before the police till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

LALITHA KANNEGANTI, J

9th February, 2022

sj

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.895 of 2022

Date:08-02-2022

sj

