

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9806 of 2021

O R D E R:

This Criminal Petition under Section 438 Cr.P.C. is filed by petitioner – Accused in connection with PR No.89 of 2021 of Prohibition and Excise Station, Utnoor, registered for the offences punishable under Sections 8 (b) r/w 20 (a) of the Narcotic Drugs and Psychotropic Substances Act, 1985, seeking pre-arrest bail.

2. Heard Sri M.Krishna Murthy, learned counsel for petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent-State.

3. Learned counsel for petitioner submits that as per the prosecution case Ganja plants were grown in Sy.No.8/15, but the petitioner is unconnected with the crime and the said land belongs to Madavi Shyam Rao and without any basis, petitioner has been falsely implicated in this case, as such his case may be considered for grant of pre-arrest bail.

4. *Per contra*, learned Assistant Public Prosecutor submits that Madavi Shyam Rao is the owner of the property and he has lease out the land to petitioner, who is raising Ganja plant in the said land, which can be seen from the panchanama, as such petitioners are not entitled for pre-arrest bail.

5. A bare perusal of panchanama, it is absolutely silent with regard to descriptive particulars of the land, boundaries, extent and also the person who is cultivating the land. This Court in

these offences of cultivation of Ganja, several times observed that panchanama is not even containing the minimum details as to the particulars of owner of the land and as to how the accused are connected with the crime. Police are not even taking minimum care and caution while drafting panchanama, which is the whole basis for registration of crime. Previously also this Court directed the Public Prosecutor to instruct the police officials to be cautious while drafting panchanamas in these types of offences.

6. Taking into consideration the contents of panchanama, which *prima facie* do not connect the petitioner with the alleged crime, this Court deems it appropriate to grant pre-arrest bail to the petitioner.

7. In the result, criminal petition is allowed and the petitioner / Accused shall be enlarged on bail in the event of his arrest in connection with PR No.89 of 2021 of Prohibition and Excise Station, Utnoor on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties each for a like sum to the satisfaction of Station House Officer, Prohibition and Excise Station, Utnoor.

LALITHA KANNEGANTI, J

5th January, 2022

PVD

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

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05.01.2022

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