

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9725 of 2021

ORDER:

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/A.1 in connection with Crime No.366 of 2021 of Nalgonda I Town Police Station, Nalgonda District, wherein the petitioner is alleged to have committed the offence punishable under Section 20(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 21.10.2021, while the Sub-Inspector of Police, Nalgonda II Town, received credible information, he along with his staff rushed to near Railway Station Park, Nalgonda and at about 11.00 hours, they found A1 and A2. On seeing the police, A.1 and A.2 tried to escape from the place, but the police apprehended them and seized one plastic polythene bag containing ganja weighing about 20 kgs. from the possession of A.1 and seized one plastic cover containing with ganja weighing about 3 kgs. from the possession of A.2 and arrested the accused under the

cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.G.Satyanarayana Yadav, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that the alleged contraband of 22 kgs. seized in this crime. He submits that while conducting search and seizure, the police failed to follow the procedure contemplated under the provisions of the NDPS Act and also in weighing the contraband. The police with an intention to implicate the petitioner, foisted the false case. He further submits the petitioner was remanded to judicial custody on 21.10.2021 and from the last 141 days he is languishing in jail. Learned counsel submits that petitioner is ready to cooperate with the investigation and even as per the case of the prosecution, the contraband seized is just above the commercial quantity i.e., 22 kgs. Hence, the petitioner's case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that petitioner has criminal antecedents and is also involved in Crime No.129 of 2020 of Nakrekal Police Station. It is submitted that the petitioner is a habitual offender and so far four witnesses were examined. As investigation is pending, the petitioner is not entitled for bail, at this stage.

6. Taking into the consideration the fact that the petitioner is languishing in jail from the last 141 days and as petitioner is ready to cooperate with the investigation, this Court deems it appropriate to grant bail to the petitioner/A.1 on certain conditions.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.1 shall be enlarged on bail 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 Judicial First Class Magistrate, Nalgonda. On such release, the petitioner shall appear before the Station House Officer, Nalgonda I Town Police Station, Nalgonda District, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 10.03.2022

mar/sha