

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9876 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 of Cr.P.C., is filed by petitioners – Accused Nos.1 and 2 in connection with Crime No.107 of 2021 of Nagaram Police Station, Suryapeta District, registered for the offences punishable under Sections 8 (c) r/w 20 (b) (ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”), seeking bail.

2. The case of the prosecution is that on 16.10.2021 at 0800 hours the Sub Inspector of Police, Nagaram Station on receipt of credible information went to Phanigiri X Road and found the petitioners were carrying bags. On seeing the police when they tried to escape, police caught hold of them and on verification they found 10 KGs of Ganja in 5 packets and petitioners confessed that they were transporting Ganja from Visakhapatnam to Hyderabad. Police arrested the petitioners and seized the contraband under the cover of panchanama. Basing on the same, the present crime was registered.

3. Heard Sri V.Raghava Reddy, learned counsel for petitioners and learned Assistant Public Prosecutor appearing on behalf of respondent-State.

4. Learned counsel for petitioners submits that petitioners are arrayed as A-1 and A-2 and alleged to have committed the offence under the provisions of NDPS Act. He submits that even as per the prosecution case, contraband of 8 Kgs and 2 Kgs respectively seized from the possession of petitioners. He submits that contraband

seized is not a commercial quantity, as such there is no bar under Section 37 of NDPS Act for granting bail. He submits that petitioners are languishing in jail from 06.10.2021 and the petitioners have no criminal antecedents, as such their case may be considered for grant of bail.

4. *Per contra*, learned Assistant Public Prosecutor submits that investigating is pending and so far five witnesses were examined. He submits that petitioners belong to Orissa State and if they are enlarged on bail, it is very difficult for the prosecution to secure their presence during the course of trial.

5. Taking into consideration the contraband seized is not a commercial quantity and nothing forthcoming to show that petitioner has criminal antecedents, this Court deems it appropriate to grant bail to the petitioners, however on certain conditions.

6. In the result, criminal petition is allowed and the petitioners/ A-1 and A-2 shall be enlarged on bail in connection with Crime No.107 of 2021 of Nagaram Police Station, Suryapeta District on their executing each a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of Judicial First Class Magistrate, Thungathurthy. Petitioners shall not leave the State and shall appear before the police on every Sunday between 10.00 a.m. and 12.00 p.m. till completion of trial.

LALITHA KANNEGANTI, J

6th January, 2022

PVD

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.9876 of 2021

06.01.2022

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