

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.10075 of 2021

ORDER:

This petition is filed under Section 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/A.2 in connection with Crime No.163 of 2021 of Kattangur Police Station, Nalgonda District, wherein the petitioner is alleged to have committed the offence punishable under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 14.07.2021, A.1 and petitioner/A.2 purchased 15 kgs. of ganja from A.3 at Odisha State at Rs.1,000/- per kg. and after that they were proceeded to Hyderabad on bike in order to sell the same at Dhoolpet, Hyderabad and its surrounding areas. On 15.07.2021 at about 10.45 hours, when they reached Kattangur village on National Highway no.62, the police Kattangur stopped the bike and seized the contraband of 15 kgs. from them and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.J.Venugopal Reddy, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that the alleged ganja seized in the crime is 15 kgs., which is not a commercial quantity and hence, there is no bar under Section 37 of the NDPS Act to grant bail to the petitioner. He submits that the petitioner is unconnected to the crime

and he has been implicated in this case falsely. He further submits that petitioner is languishing in jail from 15.07.2021. He submits that petitioner has no criminal antecedents. Hence, the petitioner's case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that A.3 is absconding and so far four witnesses were examined. As the investigation is still pending, the petitioner is not entitled for bail.

6. Taking into the consideration the fact that the contraband that is seized is only 15 kgs., which is not a commercial quantity, as such, there is no bar under Section 37 of the NDPS Act, and nothing is forthcoming to show that the petitioner is a habitual offender, this Court deems it appropriate to grant bail to the petitioner/A.2.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.2 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 I Additional District and Sessions Judge, Nalgonda. On such release, the petitioner shall appear before the Station House Officer, Kattangur Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

As a sequel, all the pending miscellaneous applications shall stand closed.

LALITHA KANNEGANTI, J

Date: 03.01.2022
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