

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**CRIMINAL PETITION No.10019 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 petitioners/A.2 and A.4 in connection with Crime No.380 of 2021 of Miryalguda Rural Police Station, Nalgonda District, wherein the petitioners are alleged to have committed the offence punishable under Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 22.10.2021, the Sub-Inspector of Police, Miryalguda Rural Police Station, along with his staff, while performing vehicle checking near Teekya Thanda X Road, found two persons proceedings towards Kothuru side on Honda Active Scooter bearing No.TS 05 EW 5008 under suspicious circumstances and on seeing them, they tried to escape from there. The police caught hold them and seized 12 kgs. of ganja from the accused and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.K.V.Subba Reddy, learned counsel for petitioners, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioners submits that petitioner No.1/A.2 has purchased the contraband of 6 kgs. and petitioner No.2/A.4 has purchased the contraband of 2 kgs. from A.1, which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act. He submits that petitioners were arrested and remanded to judicial custody on

22.10.2021 and ever since they are languishing in jail. He further submits that petitioners have no criminal antecedents. Hence, the petitioners' case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that so far eleven witnesses were examined. He does not dispute the fact that petitioners are not having any criminal antecedents. As the investigation is still pending, the petitioners are not entitled for bail.

6. Taking into the consideration the fact that the contraband that is seized is only 8 kgs. from the petitioners, which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act, and nothing is forthcoming that the petitioners are habitual offenders, this Court deems it appropriate to grant bail to the petitioners/A.2 and A.4.

7. Accordingly, this Criminal Petition is allowed and the petitioners/A.2 and A.4 shall be enlarged on bail on their executing personal bonds for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two sureties for a like sum each to the satisfaction of the II Additional Judicial First Class Magistrate at Miryalguda, Nalgonda District. On such release, the petitioners shall appear before the Station House Officer, Miryalguda Rural 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.

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**LALITHA KANNEGANTI, J**

Date: 03.01.2022

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