

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.10097 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.3 in connection with Crime No.274 of 2021 of Miryalguda II Town 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 02.11.2021 at 1430 hours, the Sub-Inspector of Police, Miryalguda II Town Police Station, received credible information that A.1 and A.2 are settling ganja packets illegally in RTC bus stand at Miryalguda Town and on that he along with staff rushed to spot and apprehended A.1 and A.2 and seized one bag containing 3 kgs. of ganja and 5 small packets of ganja. During the course of investigation, A.1 and A.2 confessed that fifteen days back they sold 15 kgs. ganja to the petitioner. The police went to the house of the petitioner, where the petitioner along with A.4 and A.5 are repacking the ganja in small packets. The police arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.M.A.K.Mukheed, 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 3 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 was arrested on 03.11.2021 and ever since he is languishing in jail. 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 so far eleven witnesses were examined. However, he does not dispute the fact that the petitioner has no criminal antecedents. 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 3 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.3.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.3 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, Miryalguda. On such release, the petitioner shall appear before the Station House Officer, Miryalguda II Town 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
mar