

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

**CRIMINAL PETITION No.10010 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.28 in connection with Crime No.269 of 2021 of Nalgonda (R) Police Station, Nalgonda District, wherein the petitioner is alleged to have committed the offences punishable under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Section 9 Narcotic Drugs and Psychotropic Substances Amendment Act, 2014.

2. The case of the prosecution is that on 28.10.2021, on credible information, the Sub-Inspector of Police, Nalgonda Rural Police Station, along with his staff rushed to Marriguda by-pass and while seeing the police, A.1 to A.3 tried to escape. The police chased and caught hold them and seized 20 kgs of ganja 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.A.Jagan, 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 4 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 nothing has been seized from the possession of the petitioner and basing on the confession of other

accused, the petitioner is arrayed as accused. It is submitted that petitioner is languishing in jail from 22.11.2021. He further 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 five witnesses were examined. He does not dispute the fact that petitioner is not having any 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 4 kgs., which is not a commercial quantity, as such, there is no bar under Section 37 of the NDPS Act, and nothing is forthcoming that the petitioner is a habitual offender, this Court deems it appropriate to grant bail to the petitioner/A.28.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.28 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 Sessions Judge, Nalgonda. On such release, the petitioner shall appear before the Station House Officer, Nalgonda (R) 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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