

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.10027 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.409 of 2021 of Khanapuram Haveli Police Station, Khammam District, wherein the petitioner is alleged to have committed the offence punishable under Section 8(c) read with 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 29.11.2021, while the Sub-Inspector of Police, Khanapuram Haveli Police Station, along with his staff, conducting patrolling duty, at about 3.30 p.m. at Eedga, Gollagudem Road, Srinagar Colony, Khammam, found A.1 to A.4 with one motor cycle and when they tried to stop the vehicle, all the accused took heel along with two bags by leaving the motor cycle. On apprehending and on interrogation, they disclosed their identity and confessed that they brought ganja for selling. The police seized 16 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.G.Ravi Chandra Sekhar, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that the alleged contraband of 16 kgs. is seized in this crime, which is not a commercial quantity and there is no bar under Section 37 of the NDPS Act to grant

bail. He submits that nothing has been seized from the possession of the petitioner and basing on the confession of other accused that they are going to sell the contraband to the petitioner, he has been arrayed as accused. Except confession of other accused, there is no material to connect the petitioner. The petitioner is implicated in this case falsely. The petitioner is languishing in jail from 30.11.2021. 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 eight 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, at this stage.

6. Taking into the consideration the fact that the contraband that is seized is only 16 kgs., which is not a commercial quantity and 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 Special Sessions Judge for the trial of cases under Narcotic Drugs and Psychotropic Substances Act-cum-I Additional Sessions Judge, Khammam. On such release, the petitioner shall appear before the Station House Officer, Khanapuram

Haveli 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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