

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.10136 of 2021

O R D E R:

This petition is filed under Sections 437 and 439 Cr.P.C. seeking regular bail to petitioner – Accused No.4 in connection with Crime No.409 of 2021 of Khanapuram Haveli Police Station, Khammam District, wherein 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 prosecution is that on 29.11.2021, while 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, Sriniagar 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 interrogation, they disclosed their identity and confessed that they brought ganja for selling. Police seized 16 kgs. of ganja from them and arrested accused under the cover of a mediators' report. Basing on the said report, the present crime was registered.

3. Learned counsel for petitioner Sri P.V.N. Kiran Kumar 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 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 petitioner and he has been implicated in this case falsely. He further submits that petitioner is languishing in jail from 30.11.2021 and he has no criminal antecedents, hence, his case may be considered for grant of bail.

4. On the other hand, learned Additional Public Prosecutor submits that so far, eight witnesses were examined, he, however, does not dispute the fact that petitioner is not having any criminal antecedents. He further submits that as investigation is still pending, petitioner is not entitled for bail, at this stage.

5. Taking into consideration the fact that contraband seized is only 16 kgs., which is not a commercial quantity and as nothing is forthcoming to show that petitioner is a habitual offender, this Court deems it appropriate to grant bail to him.

6. Accordingly, this Criminal Petition is allowed and petitioner – Accused No. 4 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 II Additional Judicial First Class Magistrate at Khammam. On such release, 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 trial is completed.

LALITHA KANNEGANTI, J

04th January 2022

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