

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 10229 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioner – Accused No. 2 in Crime No. 452 of 2021 on the file of Jagtial Town Police Station registered for the offence punishable under Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 28.09.2021, Accused Nos. 1 and 2 went to the house of Accused No.3 and purchased 250 grams of ganja and brought it to Jagtial Town and kept the same in the house of Accused No.1. While so, the Sub-Inspector of Police, on receipt of credible information, arrested Accused No.1 and on his confession, arrested Accused No.2.

3. Learned counsel for the petitioner Sri G. Vijayapal Reddy submits that 250 grams of ganja is seized in this crime. He submits that the petitioner was arrested and remanded to judicial custody on 23.10.2021. Learned counsel submits that the petitioner is unconnected with the alleged offence and has been implicated in this case. It is submitted that contraband seized is a small quantity and since there is no bar under Section 37 of the NDPS Act, the petitioner is entitled for grant bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the petitioner is a habitual offender and two more cases were registered against him, hence, he is not entitled for grant of bail.

5. Taking into consideration the fact that the contraband seized is a small quantity and further as the petitioner is languishing in jail since 23.10.2021, this Court deems it appropriate to grant bail to the petitioner.

6. The Criminal Petition is therefore, allowed. Petitioner - Accused No. 2 shall be enlarged on bail in Crime No. 452 of 2021 on the file of Jagtial Town Police Station 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 Judicial First Class Magistrate at Jagtial. The petitioner shall appear before the police concerned till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

17th February 2022

LALITHA KANNEGANTI, J

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