

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.10296 of 2021

O R D E R:

This Criminal Petition under Sections 437 and 439 of Cr.P.C., is filed by petitioner – Accused No.1 in connection with C.O.R.No.62 of 2021 dated 24.10.2021 of Prohibition & Excise Police Station, Balanagar, Medchal Malkajgiri District, registered for the offence punishable under Section 8 (c) r/w 20 (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”), seeking bail.

2. The case of the prosecution is that on 23.10.2021 at 01.10 p.m. on receipt of credible information, the DTF Party, Medchal conducted raid in Flat No.201, 2nd floor, SV Selection Apartments, New Balaji Nagar, Kukatpally and found the petitioner in possession of 5 grams of Mephedrone substance. Basing on the confession of A-1, police proceeded to GRD (Gurudatha) Residency, OYO Hotel, Bonguloor of Ibrahimpatnam and conducted raided in room No.211 and found A-2 in possession of 921 grams of Mephedrone substance. Basing on the confession of A-2, police proceeded to Nagarkurnool village and found A-2 transporting Mephedrone drug in a vehicle bearing No.TS06 GN 8148 and seized 4 Kgs of Mephedrone drug and 400 grams of Alprazolam under the cover of panchanama. Basing on the same, the present crime was registered.

3. Heard Sri M.P.Kashyap, learned counsel for petitioner and learned Assistant Public Prosecutor appearing on behalf of respondent-State.

4. Learned counsel for petitioner submits that in this crime though commercial quantity of 4 KGs was seized, as far as petitioner is concerned, only 5 grams of Mephedrone was seized, which is not a commercial quantity. He submits that petitioner was arrested on 24.10.2021 and ever since he is languishing in jail and as the petitioner has no criminal antecedents, his case may be considered for grant of bail.

5. *Per contra*, learned Assistant Public Prosecutor submits that basing on the confession of petitioner, contraband was seized from A-2 and thereafter from other accused. He submits that so far two witnesses were examined and investigation is pending and at this stage, petitioner is not entitled for bail. However, he does not dispute the fact that petitioner has no criminal antecedents.

6. Taking into consideration the fact that contraband seized from the possession of petitioner is not a commercial quantity and further, there is nothing forthcoming to show that petitioner is a habitual offender, this Court deems it appropriate to grant bail to the petitioner, however on certain conditions.

7. In the result, criminal petition is allowed and the petitioner/ Accused No.1 shall be enlarged on bail in connection with C.O.R.No.62 of 2021 dated 24.10.2021 of Prohibition &

Excise Police Station, Balanagar, Medchal Malkajgiri District on his executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of VII Additional Metropolitan Magistrate-cum-Prohibition & Excise Cases, VII Additional Junior Civil Judge at L.B.Nagar, Ranga Reddy District. On such release, petitioner shall appear before the police on every Sunday between 10.00 a.m. and 12.00 p.m. till completion of trial.

17th January, 2022

PVD

LALITHA KANNEGANTI, J

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.10296 of 2021

17.01.2022

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