

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 10168 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.2 in Crime No. 107 of 2021 on the file of P.S. Noothankal, Nalgonda District registered for the offence punishable under Section 8(c) read with Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 29.10.2021, at about 09.30 hours, Sub-Inspector of Police, Noothankal Police Station, on receipt of credible information, proceeded to Chinnanemila Cross Roads located at outskirts of Dirshanapally Village and apprehended petitioners and seized two bags of ganja weighing about 4.30 kgs. from the possession of Accused No.1 and two bags of ganja weighing about 4.40 kgs. from the possession of Accused No.2.

3. Learned counsel for petitioner Sri Angothu Nehru submits that it is alleged that a contraband of 8.700 grams was seized in this crime and from the possession of petitioner, only 4.40 kgs. was seized. He submits that petitioner is languishing in jail from the last 67 days and as contraband seized is not commercial quantity, his case may be considered for grant of bail. It is stated that Accused No.1 has already been granted bail by the Court below and that petitioner has no criminal antecedents.

4. Learned Assistant Public Prosecutor, on the other hand, submits that 4.4 kgs. ganja was recovered from the

possession of this petitioner. He submits that petitioner is a resident of Chattisgarh State and if he is enlarged on bail, at this stage, it would be very difficult for the prosecution to secure his presence during the course of trial, as such, he is not entitled for bail. However, he does not dispute the fact that petitioner has no criminal antecedents.

5. Taking into consideration the fact that contraband seized in this crime is not a commercial quantity and as petitioner is languishing in jail from the last 67 days, this Court deems it appropriate to grant bail to him, however, on certain conditions.

6. The Criminal Petition is therefore, allowed. Petitioner – Accused No.2 shall be enlarged on bail in connection with Crime No. 107 of 2021 on the file of P.S. Noothankal, Nalgonda District 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 Judicial First Class Magistrate at Thungathurthy. Petitioner – Accused No.2 shall appear before the police concerned on every Sunday between 10.00 a.m. and 2.00 P.M. and he shall not leave the State till completion of trial.

LALITHA KANNEGANTI, J

04th January 2022

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