

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 10178 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by petitioner – Accused No.2 in Crime No.193 of 2021 on the file of Garidepally Police Station, Suryapet District, registered for the offence punishable under Section 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. The case of prosecution is that on 10.10.2021 at 13.00 hours, on credible information, the police were conducting vehicle check at Abbireddigudem Cross Roads at the outskirts of Garidepally Village, and stopped one RTC bus bearing No.TS-04UA-5959, which was proceeding to Miryalguda from Kodad, apprehended the accused and seized 10 kgs. of ganja from them under a cover of panchanama.

3. Learned counsel for petitioner Sri M.A.K. Mukheed submits that contraband of 10 kgs. seized in this crime is not a commercial quantity and as petitioner is languishing in jail since 10.10.2021 and as he has no criminal antecedents, his case may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that the petitioner belongs to Odisha State and if he is enlarged on bail, it is difficult for the police to secure his presence during the course of trial. However, he does not dispute the fact that petitioner has no criminal antecedents under the NDPS Act.

5. Taking into consideration the fact that contraband seized in this crime is 10 kgs., which is not a commercial quantity and as petitioner is languishing in jail since 10.10.2021, and also there is nothing forthcoming to show that he has criminal antecedents, 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.193 of 2021 on the file of Garidepalli Police Station, Suryapet 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 the Judicial First Class Magistrate at Huzurnagar. Petitioner shall not leave the State and he shall appear before the police till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m.

05th January 2022

LALITHA KANNEGANTI, J

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