

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.10227 of 2021

ORDER:

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/A.2 in connection with Crime No.324 of 2021 of Devarkonda Police Station, Nalgonda District, wherein the petitioner is alleged to have committed the offence punishable under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 02.01.2021 at about 1600 hours, while Sub-Inspector of Police, Deverkonda Police Station, along with his staff performing vehicle checking at Deverakonda Town, they found one skoda car bearing No.AP 10 AJ 4411 and stopped the vehicle. On enquiry, A.1 and A.2 stated that they went to East Godavari District on 01.10.2021 and A.1 purchased ganja of 14 kgs. from Sahadev by paying Rs.35,000/- and A.2 purchased Ganja from Hanumanthu by paying Rs.25,000/- and Sahadev and Hanumanthu sent their associates. The police seized 24 kgs. ganja from A.1 and A.2 and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.T.P.Phani Kumar, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that only 10 kgs. of contraband is seized from the possession of the petitioner, though it is stated that contraband of 24 kgs. is seized in this crime. He submits that petitioner was arrested and remanded to judicial custody on 02.10.2021 and ever since

he has been languishing in jail. He further submits that petitioner has no criminal antecedents. Hence, the petitioner's case may be considered for grant of bail.

5. On the other hand, learned Additional Public Prosecutor submits that still investigation is pending. He does not dispute the fact that petitioner is not having any criminal antecedents. It is submitted that as the investigation is still pending, the petitioner is not entitled for bail, at this stage.

6. Taking into the consideration the fact that the petitioner was arrested on 02.10.2021, the contraband that is seized from the possession of the petitioner is 10 kgs., and as there are no criminal antecedents against the petitioner, this Court deems it appropriate to grant bail to the petitioner/A.2.

7. Accordingly, this Criminal Petition is allowed and the petitioner/A.2 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 the Judicial First Class Magistrate, Devarkonda, Nalgonda District. On such release, the petitioner shall appear before the Station House Officer, Devarkonda Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

Pending miscellaneous applications, if any, shall stand closed.

LALITHA KANNEGANTI, J

Date: 10.02.2022

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