

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.10299 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 in connection with Crime No.118 of 2021 of Zahirabad Rural Police Station, Sangareddy District, wherein the petitioner is alleged to have committed the offence punishable under Section 20(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 19.10.2021 on credible information about illegal cultivation of ganja plants in Hothi – K Village outskirts of Zaheerabad Mandal, the ASI, Zaheerabad Police Station, along with staff went to the spot and conducted raid in the land in Survey No.81/1, where they found illegal cultivation of 58 ganja plants from the field of accused, as mixed crop in sugarcane and ginger. The police seized the same and arrested the accused under the cover of mediators report. Basing on the said report, the present crime was registered.

3. Heard Mr.Sridhar Lonkala, learned counsel for petitioner, and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submits that as per the panchanama, the petitioner is the owner of the land in Survey No.80/1 .

In the F.I.R., it is stated that the petitioner is owner of land in Survey

No.80/1. He submits that the petitioner is not the owner of the said land and he does not own any land in that survey number. He further submits that without verifying the proper details, the petitioner has been arrested and remanded. It is submitted that the petitioner has been falsely implicated in this case. The petitioner is languishing in jail from 22.10.2021. Hence, petitioner's case may be considered for grant of bail.

5. Learned Additional Public Prosecutor does not dispute the fact that the survey number in F.I.R. and panchanama was mentioned differently. He submits that as per the statement of the VRO that the petitioner is cultivating ganja, he is arrayed as accused. He further submits that so far six witnesses were examined. As the investigation is still pending, the petitioner is not entitled for bail, at this stage.

6. As rightly pointed out by learned counsel for the petitioner that in F.I.R. and Panchanama different survey numbers were mentioned by the police. It is also stated that the petitioner is the owner of the property. Learned counsel for the petitioner has come up before the Court by filing details of land from Dharani Portal and demonstrated that the petitioner is not owner of the land. This Court has observed in several cases that the police, without properly verifying the ownership of the land, basing on the statement of the VRO, arraying the persons as accused for the offence under Section 20(a) of the NDPS Act. While registering the complaint on the ground that accused is the owner of the property, the first and foremost thing that has to be ascertained by the police is whether the person is the owner of the property or not. Without verifying the same,

they are arrayed as accused basing on the statement of the VRO. This Court granted bails in several cases on the very same ground that the accused is not the owner of the land. Hence, the learned Public Prosecutor shall advise the Investigating Officers on this aspect and it should also be brought to the notice of the Director General of Police.

7. Taking into consideration the fact that the petitioner is not the owner of the land as per the Dharani portal, this Court deems it appropriate to grant bail to the petitioner/accused.

8. Accordingly, this Criminal Petition is allowed and the petitioner/accused 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 Court, Zaheerabad. On such release, the petitioner shall appear before the Station House Officer, Zahirabad Rural Police Station, on every Sunday between 10.00 a.m. and 1.00 p.m. till the trial is completed.

As a sequel, all the pending miscellaneous applications shall stand closed.

LALITHA KANNEGANTI, J

Date: 18.01.2022

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