

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.10283 of 2021

ORDER:

This Criminal Petition under Sections 437 and 439 of Cr.P.C., is filed by petitioners – Accused Nos.1 and 2 in connection with Crime No.155 of 2021 of Palakaveedu Police Station, Nalgonda District, registered for the offence punishable under Section 8 (c) r/w 20 (b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “NDPS Act”), seeking bail.

2. The case of the prosecution is that on 31.10.2021 at 0700 hours on receipt of credible information, Sub Inspector of Police, Palakaveedu along with staff proceeded to Janpahad Durga and found petitioners under suspicious circumstances carrying luggage bags. Police arrested the petitioners in the presence of mediators and seized 16 Kgs of ganja from their possession under the cover of panchanama. Basing on the same, the present crime was registered.

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

4. Learned counsel for petitioners submits that petitioners are alleged to have committed the offence under the provisions of NDPS Act and contraband of 16 Kgs is seized from their possession. He submits that contraband that is seized is not a commercial quantity and further, petitioners have got no

criminal antecedents and since they are languishing in jail from 31.10.2021, their case may be considered for grant of bail.

5. *Per contra*, learned Assistant Public Prosecutor submits that investigation is pending and so far five witnesses were examined. He submits that petitioners belong to Maharashtra State and if they are enlarged on bail, it is very difficult for the prosecution to secure their presence during the course of trial.

6. Taking into consideration the fact that contraband seized is not a commercial quantity and further, there is nothing forthcoming to show that petitioners have criminal antecedents, this Court deems it appropriate to grant bail to the petitioners, however on certain conditions.

7. In the result, criminal petition is allowed and the petitioners/ Accused Nos.1 and 2 shall be enlarged on bail in connection with Crime No.155 of 2021 of Palakaveedu Police Station, Nalgonda District on their executing each a personal bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of Judicial First Class Magistrate at Huzurnagar. On such release, petitioners shall not leave the State and shall appear before the police on every Sunday between 10.00 a.m. and 12.00 p.m. till completion of trial.

LALITHA KANNEGANTI, J

7th January, 2022

PVD

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

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07.01.2022

PVD