

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.10301 of 2021

O R D E R:

This criminal petition is filed under Sections 437 and 439 Cr.P.C. seeking regular bail to petitioner – Accused No.1 in connection with Crime No.409 of 2021 of Khanapuram Haveli Police Station, Khammam District, wherein petitioner is alleged to have committed the offence punishable under Section 8(c) read with 20(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of prosecution is that on 29.11.2021, while Sub-Inspector of Police, Khanapuram Haveli Police Station, along with his staff, conducting patrolling duty, at about 3.30 p.m. at Eedga, Gollagudem Road, Srinagar Colony, Khammam, found A.1 to A.4 with one motorcycle and when they tried to stop the vehicle, all the accused tried to escape with two bags by leaving the motorcycle. Police caught hold of them, on interrogation, they disclosed their identity and confessed that they brought ganja for the purpose of selling. Police seized 16 KGs of ganja from them under the cover of a seizure panchanama. Basing on the same, the present crime was registered.

3. Learned counsel for the petitioner Sri Nandigam Krishna Rao submits that the alleged contraband of 16 KGs, which is seized in this crime is not a commercial quantity and there is no bar under Section 37 of the NDPS Act to grant bail. He submits that nothing has been seized from the possession of petitioner and basing on the confession of other accused that they are going to sell the contraband

to the petitioner, he has been arrayed as accused. Except confession of other accused, there is no material to connect petitioner with the crime and he has been falsely implicated in this case. He further submits that petitioner is languishing in jail from 30.11.2021 and he has no criminal antecedents, as such his case may be considered for grant of bail.

4. *Per contra*, learned Assistant Public Prosecutor submits that so far, eight witnesses were examined, however he does not dispute the fact that petitioner is not having any criminal antecedents. He further submits that as investigation is still pending, petitioner is not entitled for bail, at this stage.

5. Taking into consideration the fact that contraband seized is only 16 KGs which is not a commercial quantity and as nothing is forthcoming to show that petitioner is a habitual offender, this Court deems it appropriate to grant bail to him.

6. Accordingly, this Criminal Petition is allowed and petitioner – Accused No.1 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 Special Sessions Judge for Trial of Cases under NDPS Act-cum-I Additional District and Sessions Judge, Khammam. On such release, petitioner shall appear before the Station House Officer, Khanapuram Haveli Police Station on every Sunday between 10.00 a.m. and 1.00 p.m. till trial is completed.

LALITHA KANNEGANTI, J

17th January 2022

PVD

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

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PVD