

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No. 67 of 2022

O R D E R:

This Criminal Petition under Sections 437 and 439 Cr.P.C. is filed by the petitioners – Accused Nos. 1 to 3 in Crime No. 213 of 2021 on the file of Kattangur Police Station registered for the offence punishable under Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, seeking bail.

2. Prosecution alleges that on 27.09.2021, petitioners collected ganja from Accused No.5 at Forest nearby Bodigadda Village and from there they proceeded to Bhadrachalam via Kalimela in private vehicles and later, they boarded TSRTC bus bearing Registration No. TS 28 Z 0038 towards Hyderabad in order to hand over the same to Accused No.4. It is further alleged that petitioners 1 and 2 were carrying two packets each having 10 kgs. and petitioner No.3 was carrying ganja packet having 2 kgs. and at about 12.30 hours, when the bus reached Nalgonda X Road, Kattangur police party caught hold of the petitioners and seized three packets of ganja from their possession.

3. Learned counsel for the petitioners Sri M.V. Hanumantha Rao submits that it is alleged that contraband of 22 kgs. is seized in this crime i.e. 10 kgs. from petitioners 1 and 2 each and 2 kgs. from the 3rd petitioner. It is stated that the petitioners have no criminal antecedents and they belong to Odisha State and are eking out their livelihood by doing cooli work. It is also submitted that the petitioners were remanded to judicial custody on 27.09.2021 and since then, they have been languishing in jail. Learned counsel further submits that the 3rd petitioner's mental health is not fit and as the independent recoveries are

below the commercial quantity, the case of the petitioners may be considered for grant of bail.

4. On the other hand, learned Assistant Public Prosecutor submits that though recovery is 10 kgs. each from petitioners 1 and 2 and 2 kgs. from the 3rd petitioner, as per the remand report, all of them have procured contraband jointly and were carrying the same. He submits that the petitioners belong to Odisha State and if they are enlarged on bail, it would be difficult for the prosecution to secure their presence during the course of trial.

5. Taking into consideration the fact that the petitioners are languishing in jail since 27.09.2021, further the health condition of petitioner No.3 is not fit and also as nothing is forthcoming to show that the petitioners have criminal antecedents, this Court deems it appropriate to grant bail to the petitioners.

6. The Criminal Petition is therefore, allowed. Petitioners - Accused Nos. 1 to 3 shall be enlarged on bail in Crime No. 213 of 2021 on the file of Kattangur Police Station on each of them 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 Nakrekal. The petitioners – Accused Nos. 1 to 3 shall appear before the police till completion of trial on every Sunday between 10.00 a.m. and 1.00 p.m. and they shall not leave the State till completion of trial.

LALITHA KANNEGANTI, J