

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.9678 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure (for short "Cr.P.C") seeking regular bail to the petitioners who are arrayed as Accused Nos.1 & 3 in Crime No.92 of 2022 pending on the file of Station House Officer, Kodakondla Police Station, Jangaon District registered for the offences punishable under Section 8 (c) read with Section 20 (b)(ii) of NDPS Act.

2. Heard learned counsel for the petitioners/Accused Nos.1 & 3 and learned Additional Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that on 05.07.2022, this petitioners along with other accused were arrested while they were traveling in a tractor. The police found 200 kgs of ganja in the trailer of the said tractor.

4. Learned counsel for the petitioners would submit that even according to the complaint this petitioner did not have knowledge

about procuring the said ganja and after accused No.2 purchased the said contraband on 04.07.2022 in Andhra Pradesh and came down to Kodakandla on 05.07.2022, he called the petitioners and while they were proceeding in the said tractor, the police apprehended the petitioners and two others.

5. On the other hand, learned Additional Public Prosecutor would submit that on the basis of confession, knowledge of the petitioners regarding the contraband can be gathered. However, since the knowledge attributed to the petitioners is on the basis of confession and even according to the complaint, the contraband was purchased a day prior by accused No.2 and on the next day the petitioners were also found in the tractor.

6. Under these peculiar circumstances, the petitioner No.3 only can be granted the relief of regular bail.

7. Accordingly, the Criminal Petition is partly allowed and the petitioner /Accused No.3 is granted bail subject to the following conditions. However, the prayer for bail as far as the petitioner No.1 is concerned is dismissed.

- i) The petitioner/Accused No.3 is directed to be released on bail on his executing personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum, to the satisfaction of Principal Sessions Judge (Special Judge for NDPS Act Cases), Jangaon.
- ii) After release on bail, the petitioner/Accused No.3 shall appear before the concerned Station House Officer on every Monday between 10.30am and 01.00pm for a period of eight (08) weeks and thereafter, as and when required for the purpose of investigation.
- iii) The petitioner/Accused No.3 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 10.11.2022
PKR

K.SURENDER, J