

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

CRIMINAL PETITION No.15 OF 2023

ORDER:

This Criminal Petition is filed by the petitioner/accused under Sections 437 & 439 of the Criminal Procedure Code seeking bail in PCOR No.83 of 2022 of Prohibition and Excise Police Station, Alampur Jogulamba – Gadwal District, registered for the offence under Section 8 (c) read with Section 20 (b) (ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard Sri Pottigari Sridhar Reddy, learned counsel for the petitioner/accused as well as Sri T.V. Ramana Rao, learned Additional Public Prosecutor for the Respondent / State and perused the record.

3. The case of the prosecution is that on 30.11.2022 at about 05:00 PM., the petitioner/accused was found in possession of 1.10 kg., of dry ganja and the Officials of the Prohibition and Excise Police Station, Alampur Jogulamba – Gadwal District seized the same under the cover of panchanama by following due procedure under the Narcotic

Drugs and Psychotropic Substances Act, 1985 and registered crime against the petitioner for the offence under Section 8 (c) read with Section 20 (b) (ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

4. It is submitted by the learned counsel for the petitioner/accused that the petitioner/accused has been in judicial custody since 30.11.2022 and that the petitioner has not committed any offence and he is innocent and the dry ganja seized is not commercial quantity but it is intermediary quantity and there is no embargo to release the petitioner on bail and requested for grant of bail.

5. Learned Additional Public Prosecutor for the State / Respondent has opposed for grant of bail by contending that the investigation is in progress and that the petitioner is from the State of Bihar.

6. As seen from the record, the quantity of ganja seized is 1.10 kg and the same is intermediary quantity and once the contraband is seized, almost investigation is completed. The petitioner stated to be from the State of Bihar and the learned Additional Public Prosecutor for the

State has submitted that if the petitioner is enlarged on bail, he may not be available for the trial.

7. Considering the facts and circumstances of the case, this is a fit case for grant of regular bail to the petitioner/accused on conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner / accused is granted bail subject to the following conditions:

i) The petitioner / accused is directed to be released on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each having immovable properties in the local area, for a like sum to the satisfaction of the learned I Additional District & Sessions Judge at Gadwal, Jogulamba – Gadwal District.

ii) On such release, the petitioner/accused shall appear before the Prohibition and Excise Police Station, Alampur Jogulamba – Gadwal District on every Monday between 10:00 AM to 12:00 PM., until further orders and thereafter as and when required for the purpose of

investigation.

iii) The petitioner/accused shall abide by the other conditions stipulated in Section 437(3) of the Criminal Procedure Code.

As a sequel, pending Miscellaneous Applications in this matter, if any, shall stand closed.

Date: 10-Jan-2023
KHRM

DR. D.NAGARJUN, J

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