

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.108 of 2023

O R D E R:

This Criminal Petition is filed by the petitioners/Accused Nos.1 and 2 under Sections 437 and 439 of the Criminal Procedure Code seeking regular bail in C.O.R. No.75 of 2022 dated 03.11.2022 on the file of Station House Officer, Prohibition and Excise Police Station Alampur, Jogulamba Gadwal District registered for the offences punishable under Sections 8(c) read with Section 20 (b) (ii) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

02. Heard Ms. S. Srivani, learned counsel for the petitioner as well as Sri T.V.Ramana Rao, learned Additional Public Prosecutor for respondent/State.

03. According to the prosecution, on 03.11.2022 at 04:30 PM, Prohibition and Excise Inspector, Enforcement Wing, Mahabubnagar and Prohibition and Excise Sub

Inspector received a reliable information regarding illegal transportation of dry Ganja from Kurnool towards Toll Plaza, Pulluru Village and found two wheeler being driven by the petitioners and on suspicion the excise officials have stopped the said bike and on interrogation, they found 1.30 Kgs of dry Ganja, which was seized under the cover of Panchanama.

04. Learned counsel for the petitioners has submitted that the petitioners have not committed any offence; even as per the contents of the complaint and the occurrence of the report, the dry ganja, which was seized from the petitioners is an intermediary quantity and the petitioners are in judicial custody for more than 75 days. It is further submitted that the petitioners belong to this State and there is no chance for absconding.

05. Learned Additional Public Prosecutor for respondent/State submitted that the investigation is not completed, police concerned are required to investigate the case to know as to from whom the petitioners have brought the dry ganja.

06. As seen from the record, the contraband seized from the possession of the petitioners is not a commercial quantity, as such Section 37 of the Narcotic Drugs and Psychotropic Substances Act is not applicable. Once the contraband is seized and confession statements were recorded, no further investigation is required, except filing of charge sheet and to receive report in respect of FSL. All the witnesses examined are officials. According to the learned Additional Public Prosecutor, there are no criminal antecedents against the petitioners not only in respect of NDPS Act or any other offences.

07. Considering the facts and circumstances explained, the petitioners/Accused Nos.1 and 2 are entitled for grant of bail.

08. Accordingly, the Criminal Petition is allowed and the petitioners/Accused Nos.1 and 2 are ordered to be enlarged on bail subject to the following conditions:

i) The petitioners/Accused Nos.1 and 2 are directed to be released on bail on their executing personal bonds for

a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum by each of the petitioners to the satisfaction of learned I Additional District and Sessions Judge, at Gadwal.

ii) On such release, as the petitioners/Accused Nos.1 and 2 are directed to appear before the Station House Officer, Prohibition and Excise Police Station Alampur, Jogulamba Gadwal District on every Monday and Friday between 10:00 AM to 12:00 PM., until further orders and thereafter as and when required for the purpose of investigation.

iii) The petitioners/Accused Nos.1 and 2 shall abide by the other conditions stipulated in Section 437(3) of the Criminal Procedure Code.

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

DR. D.NAGARJUN, J

Date: 20-Jan-2023
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