

THE HONOURABLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION No.6546 OF 2023

ORDER:

1. This petition is filed under Sections 437 and 439 of Criminal Procedure Code, 1973 (Cr.P.C) seeking to grant regular bail. The petitioner is accused in Crime No.672 of 2023 of Vanasthalipuram Police Station, Rangareddy District. The offence alleged against the petitioner is under Section 20(a)(i) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Amendment Act, 2001).

2. The sum and substance of case of the prosecution is that on information, the search has been conducted by the police in the premises of the petitioner/accused and found cultivation of 10 Ganja plants along with the other flowering plants in the open place within the four corners of his house. On further search, they found two (02) chillames and three (03) OCB packets and 300 grams of Ganja seeds. On enquiry, the petitioner/accused confessed that due to strict policy of Government, he could not procure Ganja, as such, he started cultivating Ganja in his house.

3. Learned Public Prosecutor opposed the bail application.

4. Heard learned counsel for the petitioner as well as the learned Additional Public Prosecutor and perused the record.

5. A perusal of the material available on record, it indicates that the activities done by the petitioner was for self-consumption and not for sale and the statute gives certain leniency towards consumers and that the seized contraband is not a commercial quantity so as to attract rigors of Section 37 of NDPS Act.

6. Considering the above, this Court is inclined to grant bail to the petitioner/accused on certain terms and conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner/accused shall be released on bail on the following terms and conditions:

- (i) The petitioner/accused shall be released on bail on his executing a personal bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the VII Additional Metropolitan Magistrate, Hayathnagar, Cyberabad, Rangareddy District.
- (ii) The petitioner/accused shall appear before the Drug De-addiction Programme in Institute of Mental Health, Erragadda, for a period of one month, commencing from immediately after his release on bail.

- (iii) On such appearance, the Superintendent, Institute of Mental Health, Erragadda, is requested to see that the Orders of this Court are complied with and shall issue a certificate to the petitioner, after completion of one month programme.
- (iv) The petitioner/accused shall produce the above referred certificate before the Investigating Officer concerned.

JUSTICE M. LAXMAN

26.07.2023

Note: Registry is directed to forward
a copy of this Order to the Superintendent,
Institute of Mental Health, Erragadda.

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Date: 26.07.2023

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