

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.7482 OF 2023****ORDER:**

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/Accused No.4 in Crime No.45 of 2022 on the file of Dharmasagar Police Station, Warangal Commissionarate, Hanumakonda District, registered for the offence under Section 8(c) r/w. 20(b) (ii) (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NPDS Act').
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The petitioner is arrayed as A-4 in the charge sheet for the above said offences. It is the case of the Police, Dharmasagar that they apprehended A-1 and A-2 with 287 dry ganja packets, total weighting 576 kgs. on 08.03.2022. On 18.04.2023, the Police on the basis of confession of A-1 and A-2 that this petitioner was involved, apprehended the

petitioner/A-4 at 12'o clock in the Court at Hanumakonda.

On search of his bag, 500 gms. of dry ganja was found.

4. The implication of this petitioner is on the basis of confession of A-1 and A-2 according to the learned counsel for the petitioner.

5. Learned Additional Public Prosecutor would submit that this petitioner was earlier involved in one case in the year, 2018 and was also carrying on transportation of ganja. However, he was not apprehended. The confession of the petitioner and other accused would go to show that the petitioner was habitual offender.

6. The only basis for the petitioner to be charged along with A-1 and A-2 is alleged confession. The charge sheet is already filed. The seizure of 500 gms. was made from the petitioner which is less than small quantity.

7. Keeping in view the quantity seized, this Court deems it appropriate to grant relief of regular bail to the petitioner subject to following conditions:

i) The petitioner/Accused No.4 shall execute 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 I Additional Judicial First Class Magistrate, Hanumakonda, Hanumakonda District.

ii) The petitioner/Accused No. 4 after release shall appear before the concerned Court on every date of hearing.

iii) The petitioner/Accused No.4 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

6. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 22.08.2023
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THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.22.08.2023

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