

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION Nos.8223 of 2023

ORDER:

This Criminal Petition is filed under Section 437 & 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioners/A1 & A2 in COR No.49 of 2023 of Prohibition & Excise Police Station at Wyra, Khammam District, for the offence punishable under Section 8(c), r/w.20(b) of the NDPS Act, 1985.

2. Heard both sides. Perused the record.
3. Petitioners are arrayed as A1 and A2 and arrested along with A3. Collectively, the Prohibition and Excise personnel, Wyra, found 53.75 Kgs of ganja in possession of petitioners. In the 'panchanama' dated 26.06.2023, it is shown that Accused No.1 was in possession of 19.7 Kgs., petitioner No.2/A2 was in possession of 19.4 Kgs. and Accused No.3 was in possession of 14.650 Kgs. It is not made clear as to why the seizure was collectively shown, when individually the petitioners were carrying different quantities of ganja. However, keeping in view that the quantity seized from the petitioners is less than the commercial quantity and further, the Remand Report does not reflect that

there are other cases pending against the petitioners, the relief of regular bail can be granted to the petitioners subject to the following conditions;

i. the petitioners/A1 & A2 are directed to be released on bail on their executing personal bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each, among which one is local surety and the other is native surety, to the satisfaction of the Special Judicial Magistrate of First Class-cum-Additional Judicial Magistrate of First Class at Madira, Khammam District.

(ii) The petitioners/A1 & A2 shall appear before the concerned Station House Officer, on every Monday and Wednesday between 10.30 A.M. to 1.00 P.M. for a period of eight weeks or until filing of charge sheet, whichever is earlier, for the purpose of investigation.

iii) The petitioner/Accused shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date :11.09.2023
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Dt.11.09.2023

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