

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NOS.10519 & 10527 OF 2023****COMMON ORDER:**

1. These Criminal Petitions are filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioners/Accused Nos.1 and 2 respectively in SC.NDPS.No.62 of 2023 on the file of Special Sessions Judge For The Trial Of Cases Under Narcotic Drugs and Psychotropic Substances Act-Cum-I Additional Sessions Judge at Kothagudem, registered for the offences under Section 8(c) r/w. 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NPDS Act').

2. Since the petitioners in both the petitions are accused Nos.1 and 2 respectively in the very same crime, both the petitions are heard together and disposed off by this common order.

3. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.

4. The case of the Bhadrachalam Town Police is that on 16.06.2023, they have apprehended A-1 who was traveling on a motorcycle and 4 kgs of ganja was found in his possession. At the same time, A-2 was apprehended with 480 kgs of ganja in a Maruti Eco Van. The case of the prosecution is that A-1 purchased 484 kgs. of ganja and kept 480 kgs. in the Van and he was carrying 4 kgs. with him. In fact, he was travelling on a motorcycle to ensure smooth passage of the Van. However, they were apprehended.

5. Learned counsel appearing for the petitioners would submit that only 4 kgs. of ganja was seized from A-1. Further, the alleged association of A-1 and A-2 with A-3 to A-9 is on the basis of confession and there is no other material which is collected during the course of investigation to substantiate that the accused in conspiracy have purchased ganja.

6. Learned Assistant Public Prosecutor does not deny the revelations in the investigation are on the basis of confession.

7. However, keeping in view that the prosecution has to be given a fair chance to prove their case, this Court deems it appropriate to deny the bail application as far as A-2 is concerned. However, the contraband of 4 kgs., which was seized from A-1 is less than the commercial quantity, the prayer for regular bail can be considered to A-1, subject to following conditions:-

- i) The petitioner/Accused No.1 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 Special Sessions Judge For The Trial Of Cases Under Narcotic Drugs and Psychotropic Substances Act-Cum-I Additional Sessions Judge at Kothagudem.
- ii) The petitioner/Accused No.1 after release shall appear before the concerned Court on every date of hearing.

iii) The petitioner/Accused No.1 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

8. Accordingly, Crl.P.No.10519 of 2023 is allowed and Crl.P.No.10527 of 2023 is dismissed. Miscellaneous applications, pending if any, shall stand closed.

Date: 02.11.2023
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K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.02.11.2023

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