

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.410 OF 2024

ORDER:

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 petitioners/Accused Nos.1 and 2 in C.O.R No.113 of 2023 on the file of Station House Officer, Prohibition and Excise Station, Serilingampally, Ranga Reddy District, registered for the offence punishable under Section 8 (c) read with 20(b) (ii) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).

2. The case of the prosecution in brief was that on 15.10.2023 around 04:00 p.m, on reliable information about the illegal sale and transportation of Ganja, the Prohibition and Excise Police, Selingampally along with the panch witnesses went to Platform-1 of Lingampally Railway Station and apprehended the petitioners/Accused who were moving in suspicious circumstances and seized 29 kgs., of ganja from the bag of the Accused No.1 and 21 kgs., of Ganja from the bag of Accused No.2 under a cover of panchanama. Basing on the said panchanama, Crime No.113 of 2023 was registered for the above said offences.

3. Heard learned counsel for the petitioners/Accused and learned Additional Public Prosecutor for the respondent.
4. Learned counsel for the petitioners submitted that the petitioners were implicated in a false case, there were procedural violations of Sections 42 and 50 of NDPS Act. The petitioners were in custody since 15.10.2023 i.e., since more than four (04) months, there were no criminal antecedents against the petitioners and prayed to enlarge the petitioners on bail.
5. Learned Additional Public Prosecutor submitted that a commercial quantity of dry ganja was recovered from the possession of the petitioners, the petitioners belonged to Maharashtra and Odisha States, if they were released on bail, it might be difficult to secure their presence and opposed grant of bail to the petitioners.
6. Perused the record. Considering that petitioners were in custody since more than four (4) months and only marginally more than the commercial quantity of contraband dry ganja was seized from their possession, it is considered fit to enlarge the petitioners on bail.
7. Accordingly, the Criminal Petition is allowed and the

petitioners/accused shall be released on regular bail subject to the following conditions:

i) The petitioners/Accused shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two local sureties for a like sum each to the satisfaction of the learned Metropolitan Sessions Judge-cum-I Additional District Judge, Ranga Reddy District at L.B.Nagar.

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

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date: 19.02.2024
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