

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.762 of 2024

ORDER :

This Criminal Petition is filed by the petitioner-accused No.1 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of bail in Crime No.467 of 2023 of P.S. Inthezargunj, Warangal District, registered for the offences 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 26.10.2023 at 16:15 hours, the Sub-Inspector of Police, P.S. Inthezargunj lodged a report stating that on credible information, he along with Deputy Tahsildar, Warangal proceeded to the railway station, Warangal and started checking the bags of passengers and found a person in suspicious manner, apprehended him and on checking the bags which he was carrying, found the contraband. As such, conducted panchnama and seized 22 Kgs. of dry ganja from his possession in the presence of panch witnesses under the cover of panchanama.

3. Basing on the said report, Crime No.467 of 2023 was registered for the offence under Section 8(c) read with 20(b)(ii)(C) of the NDPS Act .

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioner submitted that police had not followed the mandatory provisions under Sections 42 and 50 of NDPS Act. The entire investigation was completed, charge sheet was yet to be filed and prayed to enlarge the petitioner on bail,

6. Learned Additional Public Prosecutor submitted that the petitioner-accused No.1 belonged to Odisha State and a commercial quantity of dry ganja was recovered from his possession and prayed to dismiss the bail petition.

7. Perused the record. Considering that the petitioner was in custody since 26.10.2023 and the contraband recovered from the possession of the petitioner was only slightly more than the commercial quantity, it is considered fit to enlarge the petitioner on bail.

8. Accordingly, the petition is allowed and the petitioner is enlarged on bail on executing a personal bond for Rs.25,000/- (Rupee Twenty five thousand only) with two (02) local sureties each for the like-sum to the satisfaction of the I Additional Judicial Magistrate of First Class at Warangal. The petitioner shall comply with the conditions stipulated under Section 437(3) of Cr.P.C..

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G.RADHA RANI, J

Date : 12.02.2024

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