

THE HONOURABLE DR.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.1223 OF 2024

ORDER:

1. 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”) seeking regular bail to him in connection with COR/Crime No.314 of 2023, on the file of the Prohibition and Excise Station, Malkajgiri, Medchal-Malkajgiri District, registered for the offence under Section 8 (c) r/w 20 (b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘the NPDS Act’).
2. The case of the prosecution in brief was that on 29.12.2023, the Excise Police of Malkajgiri, Medchal-Malkajgiri District, on receipt of reliable information, conducted vehicle checking near Anutex Shopping Mall, Malkajgiri, Medchal-Malkajgiri District and found two persons coming on a Yamaha Motor Cycle bearing No.AP 12 8670 driven by the petitioner and found them carrying 2 Kgs of Ganja and seized the contraband under the cover of Panchanama and registered a case in Crime No.314 of 2023 under Section 8 (c) r/w 20 (b)(ii)(B) of the NPDS Act.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State.
4. Learned counsel for the petitioner submitted that the entire investigation was completed, no prejudice would be caused to the prosecution, if the petitioner was enlarged on bail and prayed for release of the petitioner.
5. Learned Additional Public Prosecutor submitted that the bail application filed by the petitioner was dismissed by the I Additional District and Sessions Judge-cum-Metropolitan Sessions Judge, Medchal Malkajgiri District at Kushaiguda on 17.01.2024.
6. Perused the record.
7. Considering the quantity of contraband seized i.e., 2 Kgs of dry ganja, which was lesser than the commercial quantity and only slightly greater than the small quantity and that the petitioner/accused No.1 herein was in custody since 29.12.2023, it is considered fit to release him on bail.
8. Accordingly, the Criminal Petition is allowed and the petitioner shall be released on bail on his executing a personal bond for a sum of

Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, for a like sum each to the satisfaction of the I Additional District and Sessions Judge-cum-Metropolitan Sessions Judge, Medchal Malkajgiri District at Kushaiguda.

Miscellaneous applications, pending if any, shall stand closed.

DR.G. RADHA RANI, J

Date: 06.02.2024
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