

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.1476 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.') to enlarge him on regular bail in Crime No.346 of 2023 on the file of the SHO, P.S. Ghanpur(W), Jangaon District, registered for the offences under Section 8(c) read with 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution in brief was that on 17.10.2023 at 22:15 hours, the Sub-Inspector of Police, P.S. Ghanpur lodged a report stating that while he was patrolling along with his staff in view of Assembly Election Code 2023 and reached railway station Ghanpur(W), found accused No.1 coming out of the railway station by carrying a bag. Suspecting his movements, they stopped and enquired him. On that the accused No.1 revealed that there was dry ganja in his bag. As such, he requested the Tahsildar to be present and in his presence searched the bag and seized 17.03 Kg. of dry ganja found in the bag from the possession of the petitioner-accused.

3. Basing on the said report, the above crime was registered for the above offence.

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 the petitioner was in custody since 18.10.2023 and there were no criminal antecedents reported against the petitioner and prayed to enlarge him on bail.

6. Learned Additional Public Prosecutor submitted that the petitioner-accused No.1 was doing ganja business along with accused No.2. The petitioner belonged to Odisha State and securing his presence might be difficult if he was enlarged on bail. Accused No.2 was still absconding. The investigation was not yet completed and prayed to dismiss the petition filed by the petitioner.

7. Perused the record. Considering that the petitioner was in custody since 18.10.2023 and the contraband recovered from the possession of the petitioner was less 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 his 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 Additional Judicial Magistrate of First Class at Jangaon. The petitioner shall comply with the conditions stipulated under Section 437(3) of Cr.P.C. and shall appear before the trial court on all the dates when his presence is required.

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

Dr. G.RADHA RANI, J

Date : 12.02.2024

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