

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2983 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.3 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release him on regular bail in Crime No.112 of 2023 on the file of the Station House Officer, Sherlingampally Excise Police Station, Ranga Reddy District, registered for the offences under Sections 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 14.10.2023 at 6:45 PM, the Station House Officer of Excise Police Station, Sherlingampally lodged a report stating that they found three persons at platform No.1 of Lingampally Railway Station, Serlingampally, Ranga Reddy District, carrying four bags and on suspicion, when they checked the bags found dry ganja in it. They seized total 58 kgs of dry ganja from the possession of the three persons under the cover of panchanama. Basing on the said report, the

above crime was registered and the accused Nos.1 to 3 were arrested on 14.10.2023.

3. Heard the learned counsel for the petitioner/Accused No.3 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner/accused No.3 submitted that as per the panchanama only 14 kgs of dry ganja was seized from the possession of the petitioner. It was mentioned that the petitioner was carrying two black color college bags and on opening them found 7 Kgs of dry ganja in each of the bags, total 14 kgs. As such, the petitioner was stated to be in possession of dry ganja which was less than the commercial quantity. This is the third bail application filed by the petitioner. The petitioner was a young boy of 23 years of age having no criminal antecedents and prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner/accused No.3 stating that total 58 Kgs of contraband was seized from the possession of the three accused persons. As such, the total quantity had to be considered which was a

commercial quantity and prayed to dismiss the bail application of the petitioner. He further submitted that investigation was not yet completed and charge-sheet not filed till date.

6. Perused the record.

7. Considering that the petitioner/accused no.3 was in custody since 14.10.2023 and his further custody or custodial interrogation was not required for completing the investigation and as no criminal antecedents were reported against the petitioner and as he was ready to furnish the local sureties to ensure his presence for trial, it is considered fit to enlarge the petitioner/accused No.3 on bail.

8. Accordingly, the Criminal Petition is allowed directing the petitioner/accused No.3 to be released on regular bail subject to the following conditions:

- i) The petitioner/Accused No.3 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 I Additional District Judge, Ranga Reddy District at L.B.Nagar.

- ii) The petitioner/Accused No.3 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:18.03.2024
dgr

Dr. G.RADHA RANI, J