

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3032 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners – Accused Nos.1 and 2 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release them on regular bail in C.O.R.No.82 of 2023 on the file of Prohibition & Excise Station, Khila, Warangal District registered for the offences punishable 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 27.10.2023 at 3:30 P.M, while the Prohibition and Excise Police of Khila, Warangal were checking at Auto stand of Warangal railway station found the petitioners herein with bags in their hand and on suspicion when they checked the bags found dry ganja of 10 Kgs each. The Excise Officials seized the same under the cover of panchanama in the presence of the witnesses. On enquiry, they came to know that the petitioners purchased the same at Vishakapatnam and were intending to transport the same to Hyderabad and got down the train at

Warangal and were trying to go to Hyderabad by bus. The petitioners were arrested on 27.10.2023 and since then they were in custody.

4. Heard the learned counsel for the petitioners/accused Nos.1 and 2 and the learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioners/accused Nos.1 and 2 submitted that the petitioners were in custody for the past 159 days, they were having no criminal antecedents, the petitioners were students and prayed for grant of regular bail to the petitioners.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioners/accused Nos.1 and 2.

7. Perused the record.

8. Considering that the petitioners were young people aged 24 years and 20 years respectively and they were alleged to be students belonging to different places, one belonging to Bollaram Village of Medak, Hyderabad and another of Parvathipuram Mandal, Vijayanagaram District and only an intermediary quantity of dry ganja of 10 Kgs each was recovered from their possession, and no

criminal antecedents were reported against them and that they were in custody for the past 159 days, it is considered fit to enlarge the petitioners on bail.

9. Accordingly, the Criminal Petition is allowed directing the petitioners/accused Nos.1 and 2 to be released on regular bail subject to the following conditions:

- i) The petitioners/Accused Nos.1 and 2 shall execute 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 learned Special Judicial Magistrate of First Class for Prohibition & Excise Cases at Warangal.
- ii) The petitioners/Accused Nos.1 and 2 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date: 2nd April, 2024
dgr

Dr. G.RADHA RANI, J