

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3270 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners – Accused Nos.1 to 3 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release them on regular bail in Crime No.249 of 2024 on the file of Station House Officer, Gachibowli Police Station, Cyberabad, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(B), 27, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘NDPS Act’).

2. The case of the prosecution in brief was that on 22.02.2024 at 14:30 hrs, on credible information the Sub-Inspector of Police of Gachibowli Police Station, Cyberabad proceeded to the house No.1-41-1/A, Street No.2, Gachibowli, Serilingampally Mandal, Ranga Reddy District along with panch witnesses and mediators, by complying the procedure under Section 42(2) of NDPS Act and found accused Nos.1 to 3 at the said place. On enquiry, they admitted possession of Ganja in the room and that they had purchased

the same from a person by name Prasad from Vizag and were selling the Ganja in the form of 20 grams packets to the needy persons in the surrounding area of Gachibowli for higher price. As per the confession of accused Nos.1 to 3, A1 to A3 went to Vizag in the last week of January 2024 and purchased 2.5 Kgs of Ganja @ Rs.8,000/- per Kg from Prasad and retained some ganja for their self consumption and packed the remaining ganja for sale. The Police seized 792 grams, 795 grams and 825 grams of ganja found in the three packets under the cover of panchanama, recorded the proceedings and also photographed and videographed the entire proceedings and lodged the report.

3. Basing on the said report, the above crime was registered against the petitioners/accused Nos.1 to 3 for the offences punishable under Sections 8(c) read with 20(b)(ii)(B), 27 and 29 of NDPS Act. The accused Nos.1 to 3 were produced before the Court on 23.02.2024.

4. Heard the learned Counsel for the petitioners/accused Nos.1 to 3 and the learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioners/accused Nos.1 to 3 submitted that the petitioners were well educated they were eking their livelihood by doing software jobs. The petitioner No.2 was preparing for competitive examinations. The petitioners hailed from respectable families with no criminal antecedents and prayed to enlarge the petitioners on bail.

6. Learned Additional Public Prosecutor submitted that the petitioners who were initially consumers had turn into peddlers and now started purchasing ganja and selling to others. As such, prayed to dismiss their bail application.

7. Perused the record.

8. Considering that the quantity of ganja recovered from the room of the accused persons is stated to be 2.41 Kgs which is an intermediary quantity and there were no criminal antecedents reported against the petitioners/accused Nos.1 to 3 and they were in custody since 23.02.2024, it is considered fit to enlarge the petitioners/accused Nos.1 to 3 on bail.

9. Accordingly, the Criminal Petition is allowed directing the petitioners/accused Nos.1 to 3 to be released on regular bail subject to the following conditions:

- i) The petitioners/Accused Nos.1 to 3 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 X Additional Metropolitan Magistrate, Kukatpally, Cyberabad.
- ii) The petitioners/Accused Nos.1 to 3 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:26.03.2024
dgr

Dr. G.RADHA RANI, J