

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3403 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 release him on regular bail in C.O.R No.04 of 2024 on the file of Prohibition and Excise Police Station, Bhongir, Yadadri Bhuvanagiri District, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).

2. The case of the prosecution in brief was that on 27.01.2024, on reliable information regarding transportation of contraband cannabis dry ganja at Gudur Toll Gate of Bibinagar mandal, the Inspector of Police of Excise (DTF) Yadadri Bhuvanagiri proceeded to the said place and conducted vehicle checking. They stopped an Aactiva two wheeler vehicle bearing No.TS-13-EM-4428 and enquired with Accused No.1 who was riding the said vehicle. Accused No.1 admitted that he was in illegal possession of dry ganja weighing 1.279 Kgs. The Excise Officials seized the said contraband under the cover of panchanama in the presence of panch witnesses,

recorded the confession of accused No.1. They have also arrested Accused Nos.2 and 3 to whom Accused No.1 was delivering the contraband.

3. Heard Sri A.Prabhakar Rao, learned counsel for the petitioner-Accused No.1 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner was a Rapido driver, he was not having knowledge about the contents of the cover said to have been seized by the excise officials. He was eking out livelihood by plying Rapido vehicle. The entire investigation was completed and only an intermediary quantity of dry ganja was seized from the possession of the petitioner and prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the petitioner was involved in two other cases earlier, in Cr.No.229 of 2021 and also in Cr. No.223 of 2022 which were also similar cases pertaining to the NDPS offences and opposed grant of bail to the petitioner.

6. Perused the record.

7. Considering that only an intermediary quantity of dry ganja weighing 1.279 Kgs was recovered from the possession of petitioner-Accused No.1 and he was in custody since more than two months from 27.01.2023 and the entire investigation was completed, it is considered fit to enlarge the petitioner/accused No.1 on bail.

8. Accordingly, this Criminal Petition is allowed and the petitioner – accused No.1 shall be released on regular bail subject to the following conditions:

- i) The petitioner/Accused No.1 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 I Additional District and Sessions Judge: Bhongir, Yadadri Bhuvanagiri District.
- ii) The petitioner/Accused No.1 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date:01.04.2024
dsv/dgr