

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3686 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners – Accused Nos.1 to 4 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), for grant of regular bail in C.O.R.No.02 of 2024 on the file of Prohibition & Excise Station, Aswaraopet, Kothagudem registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) of Narcotic Drugs Psychotropic Substances Act, 1985 (for short, ‘NDPS Act’).

2. The case of the prosecution in brief was that on 30.01.2024 at 2:30 hrs, while the Prohibition and Excise Inspector of Police, Aswaraopeta along with his staff was conducting vehicle checking in front of Temporary Excise Check Post Near RTA Check Post, Aswaraopeta on Jeelugumilli to Aswaraopet road found four persons got down from the bus with bags in their hands and going under suspicious circumstances, as such, stopped them and on checking found dry ganja. He seized dry ganja of 10 Kgs each from the possession of accused Nos.1, 2 and 4 and 8 Kgs from the

possession of accused No.3, total 38 Kgs of dry ganja under the cover of panchanama. The petitioners/accused Nos.1 to 4 were remanded to judicial custody on 30.01.2024.

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

5. Learned Counsel for the petitioners/accused Nos.1 to 4 submitted that the petitioner Nos.2 to 4 were women, they were coolies eking out their livelihood by doing labour work. Each person was carrying only an intermediary quantity of dry ganja. They were languishing in jail for more than two months and prayed to enlarge the petitioners on bail.

6. Learned Additional Public Prosecutor opposed grant of bail to the petitioners/accused Nos.1 to 4 stating that a commercial quantity of dry ganja of total 38 Kgs was recovered from the possession of the petitioners altogether. He further submitted that accused No.3 was having a criminal record. She was involved in two other cases, 1) Cr.No.223 of 2018 registered for the offence

punishable under Section 8(c) read with 20(b) of NDPS Act on the file of Khammam I Town Police Station. The said case ended in conviction. She was also involved in Cr.No.532 of 2019 which was also a case registered for the offence punishable under NDPS Act, as such, opposed grant of bail to the petitioners.

7. Perused the record.

8. Considering that criminal antecedents were reported against the petitioner/accused No.3 and even after one of the case ended in conviction, she was committing similar type of offences, it is considered not a fit case for grant of bail to the petitioner No.3/accused No.3.

9. However, considering that the petitioners/accused Nos.1, 2 and 4 were reported to have no criminal antecedents and only an intermediary quantity of dry ganja was reported to have been seized from their possession as per the panchanama, and as they were in custody for the past two months, it is considered fit to enlarge the petitioners/accused Nos.1, 2 and 4 on bail.

10. Accordingly, the Criminal Petition is partly allowed

dismissing the petition against petitioner No.3/accused No.3 and allowing the petition against petitioner Nos.1, 2 and 4/accused Nos.1, 2 and 4. The petitioner Nos.1, 2 and 4/accused Nos.1, 2 and 4 shall be released on regular bail subject to the following conditions:

- i) The petitioner Nos.1, 2 and 4/Accused Nos.1, 2 and 4 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties for a like sum each to the satisfaction of the learned Principal Judicial First Class Magistrate at Kothagudem.
- ii) The petitioner Nos.1, 2 and 4/Accused Nos.1, 2 and 4 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:04.04.2024
dgr