

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.4162 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”), to release them on regular bail in Crime No.13 of 2024 on the file of Chilkur Police Station, Suryapet District, registered for the offence under Section 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 10.02.2024 at 12:00 hours, the Sub Inspector of Police, Chilkur Police Station, Suryapet District received credible information that some persons were carrying Ganja on a pulsar motorcycle and proceeding on the road leading from Khammam to Bethavolu via Kodad. Believing the said information to be true and correct, he informed his superiors, made a General Diary (for short ‘G.D’) entry and proceeded to the Mango garden of one Sayili Naveen towards Bethavole, Polenigudem R and B road along with panch witnesses and his staff. At about 14:32 hours, he found two persons got down

from an auto and two persons got down from a pulsar bike bearing number AP-20-AU-7650 by parking their motor cycle beside the canal bund and all four persons went into the mango garden of Sayili Naveen, which was situated near Mission Bageeratha overhead water tank. They also observed one of the persons handing over an yellow color plastic packet to another. On seeing the same, he apprehended them with the help of his staff. They also found a wrapped paper packet in the possession of the other person. The S.I of police recorded the confession-cum-seizure panchanama of all the four persons and seized 2.280 Kgs of dry ganja from the yellow cover and 156 grams of dry ganja from the wrapped paper packet, total 2.436 Kgs of dry ganja from the accused persons. He produced them before the SHO along with the seized contraband and lodged the report. Basing on the said report, the above crime was registered against A1 to A6 for the above said offence.

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

4. Learned counsel for the petitioners – Accused Nos.1 to 4 submitted that only an intermediary quantity of contraband dry ganja was alleged to be seized from the possession of the petitioners. They were in custody since 10.02.2024. The petitioners were agricultural labourers working near the fields. They were never involved in any offences. The petitioners were falsely implicated by the police and prayed to enlarge the petitioners on bail.

5. Learned Additional Public Prosecutor reported no criminal antecedents against the petitioners. He further submitted that the entire investigation was completed and charge sheet was also filed.

6. Perused the record. Considering the submissions of both the learned counsel, as only an intermediary quantity of contraband dry ganja in total 2.436 Kgs was recovered from the possession of A1 to A4 and they were in custody since 10.02.2024 and no criminal antecedents were reported against them, it is considered fit to enlarge the petitioners – Accused Nos.1 to 4 on bail.

7. Accordingly, the Criminal Petition is allowed and the petitioners – Accused Nos.1 to 4 shall be released on regular bail subject to the following conditions:

- i) The petitioners – Accused Nos.1 to 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 Additional Judicial Magistrate of First Class at Kodad.
- ii) The petitioners – Accused Nos.1 to 4 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:25.04.2024
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Dr. G.RADHA RANI, J

THE HONOURABLE DR.JUSTICE G.RADHA RANI

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Dated:25.04.2024

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