

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.4261 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”), for grant of regular bail in C.O.R.No.16 of 2024 on the file of Prohibition & Excise Station, Khammam-II Town 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 29.01.2024 at 4:30 P.M, the Prohibition and Excise Inspector of Police of Khammam-II Town along with his staff while conducting route watch found three women along with hand bags going in a suspicious manner and tried to escape on seeing the police. On suspicion when they checked the bags they found dry ganja of 8.235 Kgs in the brown colour luggage bag in the possession of accused No.1, 6.155 Kgs in the pink-white colour bag in the possession of accused No.2 and 5.695 Kgs in purple colour shoulder bag from the possession of

accused No.3, total 20.085 Kgs from the possession of the petitioners. The above case was registered and the petitioners were remanded to judicial custody on 29.01.2024.

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

4. Learned counsel for the petitioners-accused Nos.1 and 2 submitted that the petitioners were coolies eking out their livelihood by doing coolie work. The quantity of contraband alleged to be seized from each of the petitioners was less than the commercial quantity. The petitioners were in custody for the past more than two months and prayed for grant of bail to the petitioners.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioners stating that a commercial quantity of dry ganja of 20.085 Kgs was seized from their possession and submitted that investigation is not yet completed and charge-sheet is not filed.

6. Perused the record.

7. Considering that the petitioners are women and only slightly more than the commercial quantity of dry ganja was seized from their possession, and no criminal antecedents are reported against them and they are in custody since 29.01.2024, it is considered fit to enlarge the petitioners on bail.

8. 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) each with two local sureties for a like sum each to the satisfaction of the Special Judicial Magistrate of First Class (for Prohibition & Excise Cases) at Khammam.
- 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: 26th April, 2024
dgr

Dr. G.RADHA RANI, J