

HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.5532 of 2024

ORDER:

This petition is filed under Sections 437 and 439 of the Criminal Procedure Code seeking to release the petitioners, who are A1, A2, A4 and A5, on bail in Crime No.30 of 2024 registered with Laxmidevipalli Police Station for the offences under Section 8(c) read with Sections 20(b)(ii)(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. Heard learned counsel for the petitioners and the learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. The above crime was registered on the allegation that the petitioners indulged in illegal transportation, buying and selling of dry ganja and thereby committed offences under the NDPS Act.

4. It is alleged that credible information was received by Sub-Inspector of Police, Laxmidevipalli Police Station and

suo motu complaint was registered on 22.02.2024. The complainant along with his staff conducted vehicle checking at Yellandu cross road with panchas. He found one auto rikshaw without number plate coming from Palvoncha via Yellandu. The police stopped the vehicle and checked the auto rikshaw and found ganja kept in 25 brown colour packets concealed in the auto, totally weighing 53.900 kgs. The contraband was seized in the presence of two official panchas and confession panchanama was recorded. It is alleged that A1 to A5 have confessed that they have collected ganja from accused Nos.6 and 7 at Chinthoor forest area and the ganja was being transported to Hyderabad from Chinthoor forest area to be handed over to accused No.8, who used to sell ganja to the consumers at Hyderabad and surrounding area.

6. Learned counsel for the petitioners submitted that the total quantity of ganja seized is 53.900 kgs and there are five accused and taking the same into consideration, it will be less than commercial quantity. The petitioners are eking out livelihood by doing private jobs as electrician, fast food worker, agriculture and coolie.

7. Learned Assistant Public Prosecutor submitted that the petitioners were found in possession of the ganja when it was seized by the police and thus, they are not entitled for grant of bail.

8. The petitioners were arrested on 22.02.2024 and remanded to judicial custody.

9. Taking into consideration the quantity of ganja being 53.900 kgs and the petitioners being five in number, this Court is inclined to grant bail to the petitioners/A1, A2, A4 and A5.

10. In view of the above, the Criminal Petition is allowed with the following conditions:

(i) The petitioners/A1, A2, A4 and A5 shall be enlarged on bail on their executing personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties for a like sum each to the satisfaction of the learned III Additional Judicial Magistrate of First Class at Kothagudem, Kothagudem District.

(ii) The petitioners/A1, A2, A4 and A5 after release, shall appear before the concerned Station House Officer between 10.00 A.M. and 11.00 A.M. on 2nd and 4th Sunday of every month.

(iii) The petitioners/A1, A2, A4 and A5 shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.

(iv) The petitioners/A1, A2, A4 and A5 shall not interfere with the investigation and shall not indulge in similar offences.

Pending Miscellaneous Applications, if any, in this Criminal Petition, shall stand closed.

B. VIJAYSEN REDDY, J

Date: 23.05.2024

KL/YVL