

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.12977 OF 2023

ORDER:

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioners/Accused Nos.1 to 3 in Crime No.226 of 2023 on the file of Kodad Rural Police Station, Suryapet District, registered for the offences under Section 20 (b) (ii) (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NPDS Act').
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The petitioners were found with 50 kgs. of ganja in four luggage bags in the bus which was heading towards Hyderabad. The seizure was conducted at Suryapet.
4. Learned counsel appearing for the petitioner would submit that in the panchanama filed, there is no mention of ganja being found in the bags. However, it is mentioned that the leaves found were identical to the leaves of marigold plant.

In the absence of specifically stating that contraband seized was ganja, proceedings under NDPS Act cannot be maintained.

5. On the other hand, learned Additional Public Prosecutor would submit that FSL report is still pending.

6. However, keeping in view that A-2 is a pregnant woman, this Court deems it appropriate to grant bail to the 2nd petitioner/A-2, subject to following conditions:-

i) The petitioner/Accused No.2 shall be released on bail on her executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, i.e., one local surety and other from the native place, for a like sum each to the satisfaction of the Additional Judicial First Class Magistrate Judge, at Kodad.

ii) The petitioner/Accused No.2 after release shall appear before the concerned Station House Officer at 10:00 a.m. for the purpose of investigation as and when required.

iii) The petitioner/Accused No.2 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

7. Insofar as A-1 and A-3 are concerned, the prayer for bail is refused at this stage. However, they are entitled to renew for bail under changed circumstances.

8. Accordingly, this Criminal Petition is partly allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

Date : 03.01.2024
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K.SURENDER, J

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Dt.03.01.2024

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