

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.14662 of 2024

ORAL ORDER:

Seeking the Court to enlarge the petitioners who are arrayed as accused Nos.1 and 2 in Crime No.306 of 2024 before the Yellandu Police Station, Bhadradri Kothagudem District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 04.11.2024, at 16:00 hours, the complainant and his staff apprehended petitioners/accused Nos. 1 and 2, at Annaram X Road, Yellandu Mandal, while they were transporting 14.710 kgs of Ganja from Abjith Ganesh in Odissa State to Konda Tej Kumar in Hyderabad via Yellandu. The seizure was made from the possession of accused persons', including a Scorpio car bearing No.MP-09-CB8646 and two mobile phones, in the presence of mediators. Based on the confession and seizure panchanama, a case was registered against the petitioners under section 8(c) r/w 20(b) (ii) (B) of the NDPS Act, 1985.

3. Heard Sri B.Murlidhar, learned counsel appearing on behalf of the petitioners as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent.

4. Learned counsel for the petitioner submitted that the petitioners have not committed any offence under Section 8(c) read with 20(b)(ii)(B) of the NDPS Act, and were falsely implicated for statistical purposes, solely based on their status as non-locals. He contended that the seizure of 14.710 kgs of ganja is less than the commercial quantity and the same was not from the possession of petitioners, and that the search and seizure procedure was not followed as per the NDPS Act. He lamented that the mandatory provisions of searching and seizure, submitting reports to higher officers, and seizing ganja and drawing samples in the presence of a Magistrate were not complied with, and that the petitioners, being mason workers and sole breadwinners of their families, have been languishing in jail for over a month, and that the entire investigation has been completed, thereby justifying their grant of bail, as such, prayed the Court to grant bail to the petitioners by allowing this criminal petition.

5. Learned Additional Public Prosecutor countered that serious allegations have been made against the petitioners stating that the investigation was not yet completed, at this stage, granting of bail to the petitioners does not arise, therefore, he prayed that the Court dismiss the criminal petition.

6. Considering the arguments presented by both the learned counsel and the material on record, this Court observes that the seized quantity constitutes an intermediate amount. Learned Additional Public Prosecutor opposed the bail application based on potential witness influence and evidence tampering, yet acknowledging the official nature of the witnesses and absence of evidence linking petitioners to other similar offenses, as such, this Court deems it appropriate to grant bail to the petitioners with the following conditions:

- i. The petitioners 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 Judicial Magistrate of First Class, Yellandu.

- ii. The petitioners shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.
 - iii. The petitioners shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.
7. Accordingly, the Criminal petition is allowed.
- Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 09.12.2024
SAI

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