

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.1546 of 2024

ORDER :

This Criminal Petition is filed by the petitioner-accused No.1 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of regular bail in Crime No.77 of 2022 of Burgampahad Police Station, Kothagudem, registered for the offence under Section 8(c) read with 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution in brief was that on 01.05.2022 at 08:00 hours, the Sub-Inspector of Police, Burgampahad P.S. lodged a report stating that he received information that an accident took place near Sarapaka Bridge. On that, he along with his staff proceeded to the scene and observed a red colour Mahindra Scorpio bearing No.AP26G4076 left on the highway. As such, he got a tractor from the village and while pushing aside the car, some packets fell from the car. He identified the same as ganja, secured the presence of the panch witnesses, conducted seizure panchnama and seized 130 packets containing 255 Kgs. of ganja.

3. Basing on the said report, the above crime was registered against unknown persons. Subsequently, on 17.06.2023, the SI of P.S. Bhadrachalam Town arrested accused Nos.1 to 3 in crime No.200 of 2023 for the offence under Section 8(c) read with 20(b) of the NDPS Act and seized 22 Kgs. of dry ganja from their possession. While recording the confession-cum-seizure panchnama, accused Nos.1 to 3 also confessed their involvement in the present case. The Investigating Officer of this case secured the presence of accused Nos.1 to 3 on P.T. warrant and produced them before the court. Subsequently, a charge sheet was filed against them for the offence under Section 8(c) read with 20(b) of the NDPS Act.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the entire investigation was completed, no contraband was recovered from the possession of the accused and it was recovered from the abandoned car, which met with an accident. The petitioner was in custody since 17.06.2023. The accused No.2 was also enlarged on bail and prayed to enlarge the petitioner on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner.

6. Perused the record.

7. Considering that the contraband was recovered not from the possession of the petitioner but from the car which was left on the highway and as the police had also filed the charge sheet in this case and the petitioner-accused No.1 was in custody since 17.06.2023 and accused No.2 was also enlarged on bail, it is considered fit to enlarge the petitioner on bail.

8. In the result, the petition is allowed and the petitioner-A1 is enlarged on bail on his executing a personal bond for Rs.50,000/- (Rupee Fifty thousand only) with two (02) sureties each for the like-sum to the satisfaction of the Special Sessions Judge for the Trial of Cases under Narcotic Drugs and Psychotropic Substances Act-cum-I Additional Sessions Judge at Kothagudem. The petitioner shall comply with the conditions stipulated under Section 437(3) of Cr.P.C.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G.RADHA RANI, J

Date : 16.02.2024

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