

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.958 of 2025

ORDER:

This Criminal Petition is filed by the petitioner/A.5 for grant of bail in connection with F.I.R.No.156 of 2024 of Kadem Police Station, Nirmal District.

2. The case of the prosecution is that petitioner is accused No.5 in the said crime is illegally cultivating Cannabis plants in his agricultural fields between his cotton and Red gram crops with an intention to sell the same for easy money, whereby the S.I of Police secured the presence of panchas, raided the fields of petitioner and other accused, found cultivation of Ganja in their respective fields and seized 400 grams of Cannabis plants worth of Rs.1,00,000/- from the possession of the petitioner under the cover of panchanama in the presence of panchas. Basing on the complaint, case was registered against the petitioner for the above offences.

3. Heard Sri Sudhakar Reddy, learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the respondent-State.

4. The contention of learned counsel for the petitioner is that only 400 grams of ganja was seized from the possession of petitioner which is not commercial quantity and it is intermediate quantity. The petitioner is in jail from 07.12.2024, as such, prayed this Court to grant bail to him.

5. On the other hand, learned Additional Public Prosecutor opposed bail stating that in all the police seized 62 kgs of ganja which is a commercial quantity. As such, petitioner is not entitled for bail in view of rigor under Section 37 of the NDPS Act and prayed to dismiss this petition.

6. Considering the submission made by both the counsel and the material on record, the seizure report of the investigating officer shows that the accused are individually cultivating Ganja in their respective fields and from the possession of this petitioner, they seized 400 grams of ganja. The total ganja seized in this crime is 62 kgs, whereas it is not in joint possession of the accused. As such, seizure of 62 kgs has to be taken individually and from this petitioner the seizure is 400 grams which is intermediate quantity. Hence, this Court deems it fit to grant bail to the petitioner subject to the following conditions :

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Nirmal District.
- ii. The petitioner 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 petitioner 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.

Date: 31.01.2025
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K. SUJANA, J

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