

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.2311 of 2025

ORDER:

Seeking the Court to enlarge the petitioner/accused No.3 in Crime No.156 of 2024 of Kadam Police Station, Nirmal District, on bail, the present Criminal Petition is filed.

2. The brief facts of the case are that on 01.12.2024, the Kadam Police seized the contraband as the accused persons are buying and selling the contraband illegally to the general public in order to earn money in an ease manner and also registered a case *vide* Crime No.156 of 2024 before the Kadam Police, Nirmal, for the offences punishable under Section 8(b)(c) read with 20(a)(b)(i)(ii)(C) of the NDPS Act.

3. Heard Sri Polampelli Raju, learned counsel appearing on behalf of the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing on behalf of the respondent-State.

4. Learned counsel for the petitioner *firstly* submitted that the seized contraband is intermediate quantity. He *secondly* submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He *thirdly* submitted that the petitioner has been in judicial custody

since 01.12.2024, causing undue hardship to his family. He *fourthly* submitted that the petitioner is resident of Nirmal District, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that previously, bail application of the petitioner *vide* Crl.M.P. No.73 of 2025 was dismissed by the Principal District and Sessions Judge, Nirmal, without valid reasons and prayed the Court to grant bail to the petitioner by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the petitioner is cultivating the ganja and also investigation is not yet completed, therefore, granting bail to the petitioner, at this stage, does not arise. Hence, he prayed the Court to dismiss the criminal petition.

6. After considering submissions from both the parties and reviewing the record, since the seized contraband is intermediate quantity and the petitioner is languishing in jail from 01.12.2024 and also material part of investigation is completed, 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)
each, with two sureties for a like sum
each to the satisfaction of the
Judicial First Class Magistrate at
Khanapur.

- ii. The petitioner shall appear before the
concerned SHO at 11:00 a.m., on
every Monday for a period of eight (8)
week or till filing of charge sheet
whichever is earlier, 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.(presently, Section 480(3) of
the BNSS).

7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand
closed.

K. SUJANA, J

Date: 21.02.2025
gms

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