

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.2925 of 2025

ORDER:

Seeking the Court to enlarge the petitioners/accused Nos.4 and 6 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 District, for the offences punishable under Sections 8(b), 8(c) read with 20(a), 20(b)(i), 20(b)(ii)(C) of the NDPS Act.

3. Heard Sri V.Krishna Swaroop, 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-State.

4. Learned counsel for the petitioners *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 accused Nos.4 and 6 have been in judicial custody since 01.12.2024 and 10.12.2024, respectively, causing undue hardship to their families. He *fourthly* submitted that the petitioners are residents of Nirmal District, with movable and immovable properties, and is willing to furnish sureties as directed. He *lastly* submitted that previously, bail applications of the petitioners *vide* Crl.M.P. Nos.85 and 86 of 2025 were dismissed by the Principal District and Sessions Judge, Nirmal, on 18.02.2025, without valid reasons and prayed the Court to grant bail to the petitioners by allowing this criminal petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioners stating that the petitioners are cultivating the ganja and also investigation is not yet completed, therefore, granting bail to the petitioners, 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 petitioners/accused Nos.4 and 6 are languishing in jail from 01.12.2024 and 10.12.2024, respectively, and also material part of investigation is

completed, this Court deems it fit to grant bail to the petitioners subject to 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 Judicial First Class Magistrate at Khanapur.
- ii. The petitioners 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 petitioners 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: 07.03.2025
gms

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