

HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CRIMINAL PETITION No.2296 OF 2022

ORDER:-

This criminal petition under Section 439 of the Code of Criminal Procedure, 1973 is filed to enlarge the petitioner on bail.

2. The petitioner is A-1 in Crime No.22 of 2022 of Kotaurtala Police Station, Visakhapatnam District.

3. A case under Section 8(c) read with Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS' Act) was registered against the petitioner along with other accused in the above crime.

4. It is the case of the prosecution that when A-1 and A-2 were found to be in illegal possession of 6 KGs of ganja and at that time they were apprehended by the police and the contraband was seized from their possession. After their arrest, they disclosed that A-3 has supplied the said ganja to them. Therefore, it is stated that the petitioner along with other accused has committed the aforesaid offence.

5. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

6. The quantity of contraband involved in this case is 6 KGs of ganja which is not a commercial quantity. Therefore, the bar under Section 37 of the NDPS Act has no application to the present facts of the case. The record reveals that about four

material witnesses have been examined in this case. Therefore, there is considerable progress in the investigation. The petitioner has been languishing in jail for the last two months period of time. Therefore, he is entitled to bail. However, in view of the apprehension expressed by learned Additional Public Prosecutor that as the petitioner is resident of Tamilnadu State that if he absconds if he is released on bail that it would be difficult for the police to nab him to secure his presence for trial, he is entitled to bail on certain conditions.

7. Resultantly, the Criminal Petition is allowed. The petitioner is ordered to be enlarged on bail on execution of self bond for Rs.2,00,000/- (Rupees two lakhs only) with two sureties for a likesum each to the satisfaction of the learned Additional Judicial Magistrate of First Class, Narsipatnam, Visakhapatnam District. The two sureties shall be solvent sureties and they shall be the local sureties who shall be the permanent residents of Visakhapatnam District. On his release, the petitioner shall report before the Station House Officer, Kotauratla Police Station, Visakhapatnam daily between 10.00 A.M and 5.00 P.M till the charge sheet is filed in this case. Thereafter, he shall report before the Station House Officer, Kotauratla Police Station once in a month on the 2nd day of every succeeding month till the entire trial is concluded and the case is disposed of in the trial Court. The aforesaid condition is imposed in view of the apprehension expressed by learned Additional Public Prosecutor as discussed supra and to ensure his presence during the course of trial. The petitioner shall

scrupulously comply with the above conditions and any infraction of the same will be viewed seriously and it also entails cancellation of bail.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date : 11.04.2022
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THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

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