

THE HONOURABLE SRI JUSTICE D.RAMESH

CRIMINAL PETITION NO.602 of 2022

ORDER:-

This petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking regular bail to the petitioner/A3 in connection with Crime No.501 of 2021 of Anakapalli Town Police Station, Visakhapatnam Rural District registered for the offence punishable under Section 8(c) r/w 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "NDPS Act").

2. The above case is registered against the petitioner on the allegation they are found to be in illegal selling and possession of 4.3 Kgs of ganja and the same was seized from their possession.

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

4. Learned counsel for the petitioner submits that petitioner is falsely implicated in the crime. He submits that no contraband was seized from the petitioner's possession and Police did not follow the seizure procedure. He submits that even if the petitioner is released on bail, there cannot be any apprehension that the petitioner would tamper or hamper with the evidence. He submits that the quantity of ganja seized is not commercial quantity and the petitioner is languishing in jail since 13.12.2021, as such petitioner's case may be considered for grant of bail.

5. The learned Assistant Public Prosecutor submits that the quantity of ganja which is seized is 4.3 Kgs of ganja and the same is not commercial quantity, as such there is no bar under Section 37 of the NDPS Act. But he opposed the bail application on the ground that investigation is pending.

6. Taking into consideration the fact that bar under Section 37 of the NDPS Act is not attracted to the present case as the quantity of ganja that is said to have been seized is only 4.3 KGs which is not a commercial quantity, this Court deems it appropriate to grant bail to the petitioner on certain conditions.

7. Accordingly, this Criminal Petition is allowed. The petitioner/A3 shall be enlarged on bail in connection with Crime No.501 of 2021 of Anakapalli Town Police Station, Visakhapatnam Rural District on execution of self bond for Rs.1,00,000/- (Rupees one lakh only) with two sureties for a like sum each to the satisfaction of the learned I Additional Junior Civil Judge –cum- XI Additional Metropolitan Magistrate, Anakapalli. On such release, the petitioner shall appear before the concerned Investigating Officer, once in a week i.e. on every Saturday between 10.00 AM and 1.00 PM, till completion of trial.

Consequently, miscellaneous applications pending, if any, shall stand closed.

JUSTICE D.RAMESH

Date: 08.02.2022
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