

**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**CRIMINAL PETITION No.2445 OF 2022**

**ORDER:-**

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

The petitioner is the sole accused in Crime No.28 of 2022 of S.Kota Police Station, Vizianagaram District.

A case under Section 8(c) r/w 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') was registered against him in the above crime.

It is the case of the prosecution that when the petitioner was found to be in illegal possession of 16 kgs of Ganja that he was apprehended by the police and the contraband was seized from his possession.

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

The contraband involved in this case is 16 kgs of Ganja which is not a commercial quantity. Therefore, the bar under Section 37 of the Act is not applicable to the present facts of the case. The petitioner has been languishing in jail since 31.01.2022 for the last more than 70 days period of time. Record reveals that there is considerable progress in the investigation. Therefore, the petitioner is entitled to bail. However, in view of the apprehension expressed by the learned Additional Public Prosecutor that as the petitioner is resident of Maharashtra that if he absconds that it would be difficult for the police to nab him to secure his presence for trial, the petitioner is entitled to bail on certain conditions.

Resultantly, this Criminal Petition is allowed. The petitioner is ordered to be released on bail on execution of self bond for Rs.2,00,000/-(Rupees two lakhs only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate of First Class, S.Kota. The sureties shall be the local sureties who shall be permanent residents of Vizianagaram District. They shall be solvent sureties. On his release, the petitioner shall report before the Station House Officer of S.Kota Police Station, daily between 10.00 A.M and 05.00 P.M., till the charge sheet is filed in this case. Thereafter also, he shall report before the Station House Officer of S.Kota Police Station once in a month on 2<sup>nd</sup> day of every succeeding month till the trial of the case is concluded and the case is disposed of in the trial Court. The aforesaid conditions are imposed to ensure the presence of the petitioner during the course of trial, in view of the apprehension expressed by the learned Additional Public Prosecutor as discussed supra. The petitioner shall scrupulously comply with the above condition and any infraction of the same will be viewed very seriously and it also entails cancellation of bail.

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**JUSTICE CHEEKATI MANAVENDRANATH ROY**

Date: 13-04-2022

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