

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

TUESDAY THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND SIXTEEN

PRESENT

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 16709 OF 2016

Between:

Ch.Satyanarayana ... Petitioner/A-1

V/s.

The State of Telangana
Represented by its Public Prosecutor [TG]
High Court of Judicature for the State
of Telangana & Andhra Pradesh,
Hyderabad.
Through the Station House Officer,
Intelligence Officer,
Narcotics Control Bureau
H.No. 13-6-826/1/A/1/A, Bapunagar,
Opposite Pillar No. 107, PVNR Express way
Ring Road, Attapur, PO Golconda,
Hyderabad district. ... Respondent/complainant

Counsel for the Petitioner : Sri Duvvuri Suryanarayana

Counsel for the Respondents : Sri V.Gopalakrishna Gokhale
Special Public Prosecutor
for Narcotic Control Bureau

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT**CRIMINAL PETITION NO. 16709 OF 2016****ORDER :**

This Criminal Petition is filed by the petitioner/A-1 under section 437 and 439 of Cr.P.C., seeking to enlarge him on bail in S.C.No. 59 of 2016 on the file of the Court of Metropolitan Sessions Judge-cum-Special Judge for trial of Cases under Narcotic Drugs and Psychotropic Substances Act.

2. Sri Duvvuri Suryanarayana, learned counsel for the petitioner/A-1 argued at length when this Court is not convinced on the issues raised by the counsel for the petitioner/A-1 then, he states that the petitioner/A-1 is in old age of 59 years and the petitioner is in judicial custody since 25/05/2015, therefore, the petitioner may be enlarged on bail.

3. Heard the learned counsel appearing on behalf of the petitioner/A-1 at length and Sri V. Gopalakrishna Gokhale,

learned Special Public Prosecutor for Narcotics Control Bureau,
Hyderabad for the State.

4. There is no provision under the Narcotic Drugs and Psychotropic Substances Act that even if commercial quantity is seized i.e., weighing 1.054 Kg of heroin from the accused his long period of judicial custody has to be taken into consideration. It is also not mentioned under the said Act that the age of the petitioner/A-1 has to be taken into consideration either for trial or granting bail.

5. Keeping in view the huge quantity of contraband i.e., weighing 1.054 Kg of heroin from the possession of the petitioner/A-1, which is more than sufficient to spoil the life of youth at large. As per the chemical report the presence of brown colour powder kept in a heat sealed polythene cover found in Ex.S-1 and the weight of the exhibit with heat sealed polythene cover is 5.4734 grams, Section 37 of the Act comes

into play, therefore, I am not inclined to grant bail to the petitioner.

6. Since the petitioner/A-1 is in judicial custody from 25/05/2015, this Court expects from the trial Court to conclude the trial as expeditiously as possible, preferably by fixing trial schedule on day-to-day basis and dispose of S.C.No. 59 of 2016 on merits and in accordance with law.

7. The Criminal Petition is devoid of merit and the same is accordingly dismissed.

8. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.

JUSTICE SURESH KUMAR KAIT.

20/12/2016
I s L

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 16709 OF 2016
(DISMISSED)



Date: 20/12/2016
Circulation No. 69
Court Master: I s L