

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

WEDNESDAY, THE FIFTEENTH DAY OF NOVEMBER,
TWO THOUSAND AND SEVENTEEN

PRESENT

THE HON'BLE DR JUSTICE **SHAMEEM AKTHER**

CRL.P.No. 7678, 7730, 10657 & 7692 of 2017

CRL.P. No.7678/2017

Between:

Mogga Rama Rao S/o. Apparao

Petitioner/Accused No.8

AND

The State through the Prohibition & Excise Inspector, Prathipadu Police Station, Prathipadu Mandal, East Godavari District, Andhra Pradesh. Rep. by Public Prosecutor, High Court of Judicature at Hyderabad, High Court Buildings, Hyderabad, Andhra Pradesh.

Respondent

COUNSEL FOR THE PETITIONER: SRI. BATHULA VENKATESWARA RAO

COUNSEL FOR THE RESPONDENT: THE PUBLIC PROSECUTOR (AP)

Petition under Sections 437 & 439 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to enlarge the petitioner/A5 on bail in connection with Crime/FIR No.16/2017, dt.18-01-2017, U/Secs. 8(c) r/w 20(b) (ii) (c) of NDPS Act 1985 on the file of the Prathipadu Police Station, East Godavari District.

CRL.P. No.7730/2017

Between:

Nagamala Bhaskar, S/o. Suryanarayana

Petitioner/Accused No.9

AND

The State through the Prohibition & Excise Inspector, Prathipadu Police Station, Prathipadu Mandal, East Godavari District, Andhra Pradesh, Rep. by Public Prosecutor, High Court of Judicature at Hyderabad, High Court Buildings, Hyderabad, Andhra Pradesh

Respondent/Complainant

COUNSEL FOR THE PETITIONER: SRI. BATHULA RAJ KIRAN

COUNSEL FOR THE RESPONDENT: THE PUBLIC PROSECUTOR (AP)

Petition under Sections 437 & 439 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to enlarge the petitioner/A9 on bail in connection with Crime/FIR No.16/2017, dt.18-01-2017 U/sec.8(c) r/w 20(b) (ii)(c) of NDPS Act 1985 on the file of the Prathipadu Police Station, East Godavari District.

CRL.P. No.10657/2017

Between:

Siva Ram Rathod, S/o. Bethu Rathod

Petitioner/Accused No.7

AND

The State of Andhra Pradesh, Through Station House Officer, Prohibition & Excise Station, Prathipadu, rep. by the Public Prosecutor, High Court at Hyderabad for the State of Andhra Pradesh

Respondent

COUNSEL FOR THE PETITIONER: SRI. KONA N.D.V. RAMANA RAO

COUNSEL FOR THE RESPONDENT: THE PUBLIC PROSECUTOR (AP)

Petition under Sections 437 & 439 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to release the petitioner on bail in Cr.No.16/2017 on the file of Prohibition & Excise Station, Prathipadu, East Godavari District.

CRL.P. No.7692/2017

Between:

Mohammand Munwar Ali, S/o. Late Mohammad Ali

Petitioner/Accused No.6

AND

The State through the Prohibition & Excise Inspector, Prathipadu Police Station, Prathipadu Mandal, East Godavari District, Andhra Pradesh, Rep. By Public Prosecutor, High Court of Judicature at Hyderabad, Hyderabad, Andhra Pradesh.

Respondent/Complainant

COUNSEL FOR THE PETITIONER: SRI. SURESH KUMAR ROUTHU

COUNSEL FOR THE RESPONDENT: THE PUBLIC PROSECUTOR (AP)

Petition under Sections 437 & 439 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to enlarge the petitioner/A6 on bail in connection with Crime/FIR No.16/2017, dt.18-01-2017 U/Secs.8(c) r/w 20 (b) (ii) (c) of NDPS Act 1985 on the file of the Prathipadu Police Station, East Godavari District.

The Court made the following Order:

Heard learned counsel for the petitioners/A.6 to A.9 and learned Additional Public Prosecutor for the respondent State, and perused the record.

This petition is filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners/A.6 to A.9 in Crime No.16 of 2017 of Prathipadu Police Station, East Godavari District, for the offences punishable under Sections 8(c) read with 20(b)(ii)(c) of NDPS Act, 1985.

It is brought to the notice of this Court that the petitioners/A.6 to A.9 were remanded to judicial custody on 31.07.2017. It is alleged that 23 kgs of Ganja was seized from the possession of A.5 and these petitioners. There is no specific mention about the mode of Ganja being carried. It is not brought to the notice of the Court specifically the place from where the Ganja was seized, the quantity from whom Ganja was seized and what was the vehicle, etc.

It is brought to the notice of this Court that A.1 was granted regular bail vide order dated 25.07.2017 in CrI.P.No.5949 of 2017. It is also brought to the notice of this Court that A.4 was granted anticipatory bail as per the orders passed by this Court in CrI.P.No.5609 of 2017 dated 25.07.2017.

Learned Additional Public Prosecutor would submit that A.4 said to have been handed over the Ganja to A.5 and the petitioners herein. He would also submit that A.4 and these petitioners are standing on the same footing.

Having regard to the submissions made by the counsel on record and in view of the nature of allegations, the manner in which the alleged seizure has been projected, the petitioners can be **enlarged** on bail on some conditions.

In the result, the Criminal Petitions are allowed and the petitioners/A.6 to A.9 are ordered to be released on **bail**, each of them executing a personal bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the learned Judicial First Class Magistrate, Prathipadu, East Godavari District.

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

1. The 1st Additional District and Sessions Judge, East Godavari District at Rajamahendravaram.
2. The Judicial First Class Magistrate, Prathipadu, East Godavari District.
3. The Prohibition & Excise Inspector, Prathipadu Police Station, Prathipadu Mandal, East Godavari District, Andhra Pradesh
4. The Superintendent, Central Jail, Rajahmundry, East Godavari District.
5. Two CCs to Public Prosecutor (AP), High Court, Hyderabad (OUT)
6. One CC to Sri. Bathula Venkateswara Rao, Advocate (OPUC)
7. One CC to Sri. Bathula Raj Kiran, Advocate (OPUC)
8. One CC to Sri. Kona N.D.V. Ramana Rao, Advocate (OPUC)
9. One CC to Sri. Suresh Kumar Routhu, Advocate (OPUC)
10. One Spare copy

KK

HIGH COURT

Dr.SAJ

DT. 15-11-2017

BAIL ORDER

CRL.P.Nos. 7678, 7730, 10657 & 7692 OF 2017

DIRECTION



Drafted by: KK
Drafted on: 16-11-2017

HIGH COURT



Dr.SAJ

DT. 15-11-2017

BAIL ORDER

CRL.P.Nos. 7678, 7730, 10657 & 7692 OF 2017

DIRECTION