

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
TUESDAY , THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND SEVENTEEN

:PRESENT:

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRLP .NO:11423 of 2017

Between:

Ushkam Venkati S/o. Narayana,

..... Petitioner/ Accused

AND

The State of Telangana rep. by Public Prosecutor, High Court, Hyderabad,
Through S.H.O., Prohibition & Excise Station, Adilabad.

.....Respondent

Petition under Section 437 & 439 of Cr.P.C praying **that in the circumstances stated in the memo of grounds filed therein, the High Court may be pleased** to release the petitioner/accused on bail in connection with COR No. 242 of 2017 on the file of Prohibition & Excise Station, Adilabad, Adilabad District and pass.

The petition coming on for hearing, upon perusing the Memo of Grounds filed herein and order of High Court made herein and upon hearing the arguments of **SRI VIKAS JOSHI**, Advocate for the Petitioner and of the Public Prosecutor (TG) for the Respondent No.1, the Court made the following

ORDER:

Heard learned counsel for the petitioner/accused, 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 bail to the petitioner/accused in C.O.R.No.242 of 2017 of Prohibition and Excise Station, Adilabad, Adilabad

District, for the offence punishable under Section 8(b) read with Section 20(a) of NDPS Act, 1985.

The specific allegation against the petitioner/accused is that he took the subject land on lease and cultivated 25 ganja plants along with some other crop. On 01.11.2017, on reliable information, the Prohibition and Excise officials searched the place and found 25 ganja plants and destroyed the same under a cover of panchanama.

It is contended on behalf of the petitioner/accused that the quantity of ganja would not be more than 1 kg and 20 kgs of ganja is a commercial quantity. It is further submitted that the petitioner is neither the owner nor the lessee of the subject land. There is a prohibition on lease and sale of lands in the area where the alleged ganja cultivation was found.

Having regard to the nature of the allegations and the material collected so far and as the petitioner was remanded to judicial custody on 01.11.2017, the petitioner/accused can be enlarged on bail on some conditions.

In the result, the petitioner/accused is ordered to be released on bail on his 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 I-Additional Sessions Judge, Adilabad District. On such release, the petitioner/accused shall attend before the Station House Officer, Prohibition and Excise Station, Adilabad, on every Sunday between 8.00 and 9.00 a.m. till filing charge sheet.

Accordingly, the Criminal Petition is allowed.

SD/- K. SHYLESHI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The I Additional Sessions Judge, at Adilabad.
2. The Judicial First Class Magistrate at Adilabad.
3. The S.H.O., Prohibition & Excise Station, Adilabad.
4. The Superintendent District Jail, Adilabad.
5. One CC to SRI VIKAS JOSHI, Advocate (OPUC).
6. Two CC to Public Prosecutor, High Court of Judicature at Hyderabad (OUT).
7. One Spare copy

AGS



HIGH COURT

Dr. SA J

Dt: 28-11-2017



ORDER:-

CRLP .NO:11423 of 2017

BAIL



AGS

Dt: 29/11/2017.

HIGH COURT

Dr. SA J

Dt: 28-11-2017

ORDER:-

CRLP .NO:11423 of 2017



BAIL