

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

THURSDAY, THE SIXTEENTH DAY OF NOVEMBER,
TWO THOUSAND AND SEVENTEEN

:PRESENT:

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRLP .NO:10896 of 2017

Between:

1. Shiva Kumar, S/o. Kanda Swamy,
 2. Vishnu, S/o. Kanda Swamy,
- Petitioners/Accused Nos 2 & 4
AND

The State of Andhra Pradesh through Station House Officer, I Town (L & O)
P.S, Rajamahendravaram, E.G. District, rep. by Public Prosecutor, High Court
at Hyderabad.

.....Respondent/Complainant

Petition under Sections 437 & 439 of Cr.P.C, praying that in the
circumstances stated herein, the High Court may be pleased to enlarge the
petitioners/accused No. 2 & 4 on bail in Crime No. 128/2017 on the file of the
I Town (L&O) P.S., Rajamahendravaram, East Godavari District.

The petition coming on for hearing, upon perusing the Petition and the
memorandum of grounds filed herein, and upon hearing the arguments of
Sri G Venkata Reddy, Advocate for the Petitioners, and of Addl. Public
Prosecutor (AP) for Respondent, the Court made the following.

ORDER:

Heard learned Counsel for the petitioners/accused Nos.2 and
4, learned Additional Public Prosecutor appearing for the
respondent- State and perused the record.

This Petition is filed under Section 439 Cr.P.C., for grant of
bail to the petitioners/accused Nos.2 & 4 in Crime No.128 of
2017, on the file of the Station House Officer, I Town (L&O)
Police Station, Rajamahendravaram, East Godavari District,
registered for the offences punishable under Section 8(c) r/w

Section 20 (b) (ii) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The material on record reveals that on 25-03-2017, the petitioners were allegedly transporting ganja. When they were found at Rajahmundry, the same was seized under a cover of Panchanama.

As per the material placed on record, six kgs of Ganja was seized from the petitioner/accused No.2.

The allegation against the petitioner/accused No.4 is that he has assisted the petitioner/accused No.2.

The alleged assistance can only be determined after due trial. As far as the quantity of Ganja alleged to have been possessed by the petitioner/accused No.2 is concerned, it is not a commercial quantity.

The learned Additional Public Prosecutor would submit that if the petitioners are released on bail, they will not attend the trial; number of NBWs are pending in the Ganja cases and prayed to dismiss this Petition.

Pendency of number of NBWs in Ganja cases cannot be taken into consideration to deny bail to these petitioners/accused Nos.2 & 4, in view of the nature of allegations levelled against them. Stringent conditions can be imposed while granting bail.

In the result, the petitioners/accused Nos.2 & 4 are ordered to be released on bail on each of them executing a personal bond for a sum of Rs.10,000/- with two sureties for a likesum each to the satisfaction of the II Additional Judicial Magistrate of First Class, Rajamahendravaram. One of the surety of the petitioners shall be the parent having immovable property in their native village. Further, the petitioners shall attend the trial of the case, as and when the dates are fixed, till its completion.

Accordingly, with the above directions, the Criminal Petition is allowed.

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ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

1. The I Addl. District and Sessions Judge, East Godavari at Rajamahendravaram
2. The II Addl. Judicial Magistrate of First Class, Rajamahendravaram
3. The Station House Officer, I Town (L&O) P.S., Rajamahendravaram, East Godavari District.
4. The Superintendent, Central Jail, Rajamahendravaram/Rajahmundry, E.G. District
5. Two CCs to Public Prosecutor (AP), High Court, Hyderabad (OUT)
6. One CC to Sri G. Venkata Reddy, Advocate (OPUC)
7. One spare copy

Skm

HIGH COURT

DR.SA,J

Drafted by: skm
Drafted on: 17-11-2017

DATE: 16-11-2017



ORDER

CRL.P. No. 10896 of 2017

DIRECTION