

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
TUESDAY , THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND SEVENTEEN
:PRESENT:
THE HON'BLE DR JUSTICE SHAMEEM AKTHER**

CRLP .NO:11429 of 2017

Between:

Nandipindi Lovaraju S/o. Appalanaudu, Occ : Pvt Employee,
R/o. Butchanpeta Village, Rolugunta Mandal, Visakhapatnam District.

..... Petitioner

AND

The State Through the Prohibition & Excise Inspector, Prathipadu Police Station, Prathipadu Mandal, East Godavari District, A.P., Rep by its Public Prosecutor, High Court of Judicature at Hyderabad, High Court Buildings, Hyderabad,A.P.

.....Respondents

Petition under Section 437 & 439 of Cr.P.C praying that the High Court may be pleased may be pleased to enlarge the petitioner/A5 on bail in connection with Crime/FIR No. 16/2017, dt : 18-01-2017 U/Secs. 8C r/w 20(b)(ii) (c) of NDPS Act 1985 on the file of the Prathipadu Police Station, 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 BATHULA VENKATESWARA RAO, Advocate for the Petitioner and of Public Prosecutor (AP) for Respondent, the Court made the following.

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner-A5, seeking enlargement on bail in Crime No.16 of 2017 dated 18.01.2017 on the file of Prathipadu Police Station, East Godavari District, registered for the offences under Section 8(c) r/w 20 (b)(ii)(c) of the N.D.P.S. Act, 1985.

2. Heard the learned counsel for petitioner-A5, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner-A5 would submit that this petitioner is falsely implicated in this case and that no ganja was seized from the possession of this petitioner. The allegation that 25 kgs of ganja was seized from the possession of this petitioner-A5 on 16.01.2017 is

false. A4 was granted anticipatory bail on 25.07.2017 in CrI.P.No.5609 of 2017. When A4 was arrested and remanded before the Court of Special Judge under the N.D.P.S. Act, A4 was granted regular bail and ultimately, prayed the Court to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioner-A5 and contended that the bail application of this petitioner was dismissed by this Court on 13.09.2017 in CrI.P.No.7584 of 2017.

5. In the circumstances, the point for determination is whether the request of petitioner-A5 can be acceded to?

6. It is not in dispute that A4 was granted anticipatory bail by this Court on 25.07.2017 in CrI.P.No.5609 of 2017 and thereafter on remand regular bail was granted by the Court of Special Judge under the N.D.P.S. Act. It is also brought to the notice of this Court that some other accused i.e., A6 to A9 were already granted bail by this Court in CrI.P.Nos.7678, 7730, 10657 & 7692 of 2017 vide common order dated 15.11.2017. As per the charge sheet filed in this crime, there is a specific mention that A4 had confessed his presence at the place of offence and also confessed that he brought 23 kgs of ganja in mika bags and he gathered along with A5 at that place to enter into another deal and 23 kgs of ganja was seized. So, the point whether the ganja weighing 23 kgs was seized in from conscious possession of petitioner-A5 is yet to be established. Since the charge sheet is filed, A4 and A6 to A9 were granted bail, this petitioner, who was remanded to the judicial custody on 18.01.2017, is entitled for bail under Section 439 Cr.P.C. on certain terms and conditions.

Accordingly, the Criminal Petition is allowed and the petitioner-A5 is ordered to be released on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties in a like sum each to the satisfaction of the learned First Additional District & Sessions Judge, East Godavari at Rajahmundry. Further, the petitioner-A5 shall report before the Station House Officer, Prathipadu Police Station, East Godavari District, twice in a week between 8.00 A.M. and 10.00 A.M. for a period of three (3) months from the date of this order.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

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ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To

1. The First Additional District & Sessions Judge, East Godavari District
2. The Station House Officer, Prathipadu Police Station, East Godavari District
3. The Superintendent, Central Jail Rajahmundry, East Godavari District
4. Two CC to Public Prosecutor (AP), High Court, Hyderabad (OUT)
5. One CC to SRI BATHULA VENKATESWARA RAO, Advocate (OPUC)
6. One Spare copy

Tvr

HIGH COURT

DR SAJ

ORDER

DATED: 12-12-2017



CRLP NO.11429 OF 2017

BAIL

DRAFTED: TVR
DATED: 13-12-2017

HIGH COURT

DR SAJ

ORDER



DATED: 12-12-2017

CRLP NO.11429 OF 2017

BAIL