

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

WEDNESDAY, THE TWENTY SECOND DAY OF NOVEMBER,
TWO THOUSAND AND SEVENTEEN
: PRESENT:

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

CRIMINAL PETITION No. 11090 of 2017

Between:

1. Bajjangi Koti, S/o. Poddu @ Podhu
2. Sadan Dayari @ Diari, S/o. Guru Dairi

Petitioners
(Accused 1 & 4 in Cr.No.171/2017
of S.Kota P.S., Vizianagaram District)

AND

The State of A.P., through Station House Officer, S.Kota P.S., Vizianagaram District,
rep. by Public Prosecutor, High Court at Hyderabad.

Respondent

Petition under Sections 437 & 439 of Cr.P.C. praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to enlarge the Petitioners/Accused No. 1 & 4 on bail in Crime No. 171/2017 on the file of S.Kota P.S., Vizianagaram District.

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

ORDER:

“ This petition is filed under **Section 439 Cr.P.C.** to grant bail to the petitioners-A1 and A4 for the offence alleged under Section 8 (c) r/w 20 (b) (ii) (c) of N.D.P.S. Act.

2. Heard learned counsel for the petitioners-A1 and A4, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners-A1 and A4 would submit that the petitioner-A4 has not completed 18 years of age. He is a Juvenile on the date of the alleged offence i.e., 25.07.2017. He filed a copy of school certificate to substantiate the same. It is further contended on behalf of the petitioners-A1 and A4 that no ganja was seized from their possession. The allegation is that they were following one silver colour chaverlet car, from which 70 Kgs of ganja was seized.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioners-A1 and A4 stating that investigation is in progress.

5. As per the photocopy of the school certificate of the petitioner-A4, his date of birth is 18.02.2000. The date of the alleged offence in this case is 25.07.2017. It reflects that the petitioner-A4 has not completed 18 years of age. Therefore, the petitioner-A4 can be granted bail as prayed for.

6. As far as the petitioner-A1 is concerned, the petitioner-A1 is escorting the car, from which 70 Kgs of ganja was seized. The inmates of the car i.e., A2 and A3 were arrested and remanded to judicial custody in this case. The allegations against the petitioner-A1 are grave. The matter further requires investigation. As per the prosecution case, the petitioner-A1 is supplier of ganja. It is also put forth before this Court that there is a racket dealing in ganja, where the petitioner-A1 is a member. In view of the gravity of the offence and the nature of allegations levelled against the petitioner-A1, it is not a fit case to grant bail to the petitioner-A1.

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7. In the result, the Criminal Petition is dismissed insofar as the petitioner-A1 is concerned and the Criminal Petition is allowed insofar as the petitioner-A4 is concerned. The petitioner-A4 is ordered to be released on bail on his executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties each in a like sum to the satisfaction of Judl. Magistrate of I Class, S.Kota. On release, the petitioner-A4 shall attend before the S.H.O. concerned on every Sunday between 8.00 A.M. and 10.00 A.M. till filing of charge sheet. Further, one of the sureties shall be a local surety belonging to the native place of the petitioner-A4, having landed property.”

ASSISTANT REGISTRAR

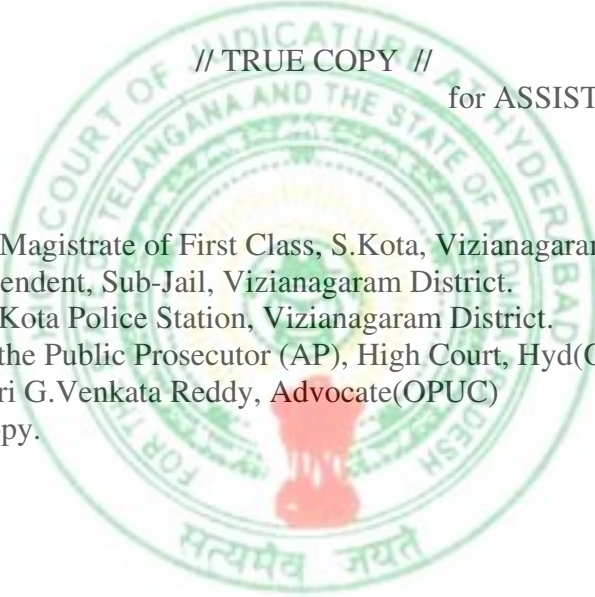
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for ASSISTANT REGISTRAR

To

1. The Judicial Magistrate of First Class, S.Kota, Vizianagaram District.
2. The Superintendent, Sub-Jail, Vizianagaram District.
3. The SHO, S.Kota Police Station, Vizianagaram District.
4. Two CCs to the Public Prosecutor (AP), High Court, Hyd(OUT)
5. One CC to Sri G.Venkata Reddy, Advocate(OPUC)
6. One spare copy.

SAH



HIGH COURT

Dr.SAJ

DATED: 22-11-2017

ORDER

CRL.P.NO. 11090 OF 2017

BAIL GRANTED



DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 23-11-2017

HIGH COURT

Dr.SAJ



DATED: 22-11-2017

ORDER

CRL.P.NO. 11090 OF 2017

BAIL GRANTED