

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
THURSDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND SEVENTEEN**

:PRESENT:
THE HON'BLE DR JUSTICE SHAMEEM AKTHER

CRL. P. NO:11486 of 2017

Between:

Killo Prasada Rao S/o. Addu, Age 35 years, R/o. Barada Village, Munchingiputti
Mandal, Visakhapatnam District.

..... Petitioner/Accused No.9

AND

The State of A.P., through Station House Officer, Jami P.S, Vizianagaam 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 petition and the grounds filed herein, the High Court may be
pleased to enlarge the Petitioner/accused No.9 on bail in Cr.No.57/2017 on the file of the
Station House Officer, Jami P.S, Vizianagaam District;

Counsel for the Petitioner : SRI G.VENKATA REDDY

Counsel for the Respondent : ADDL. PUBLIC PROSECUTOR (AP)

The Court made the following ORDER:

“This petition is filed under Section 439 Cr.P.C. to grant bail to the petitioner-A9 for the offence alleged under Section 8 (c) r/w 20 (b) (ii) of N.D.P.S. Act.

2. Heard learned counsel for the petitioner-A9, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A9 would submit that the petitioner-A9 has no knowledge with regard to transportation of alleged ganja in Bolero Van bearing No. AP 31 TC 7350 on 26.06.2017. The petitioner-A9 is falsely implicated in this case. None of the accused are arrested and remanded to judicial custody in this case, except the petitioner-A9. The petitioner-A9 is involved in this case pursuant to the confession made by some of the accused in Cr.No.68 of 2017 for the offence under Section 8 (c) r/w 20 (b) (ii) of N.D.P.S. Act. There are no direct witnesses to the alleged incident and ultimately, prayed to allow the application.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioner-A9.

5. As per the material placed on record, on 26.06.2017, Bolero Van bearing No. AP 31 TC 7350 was stopped and search was conducted and 840 Kgs of ganja was seized from the Bolero Van. The driver and other inmates of the Bolero Van ran away after seeing the police. So, the police could not arrest any inmate of the Bolero Van. Thereafter, the police seized ganja in Cr.No.68 of 2017 of same Police Station. During the course of investigation, they came to know that the petitioner-A9 is the owner of the above Bolero Van. The petitioner-A9 was arrested and remanded to judicial custody on 12.10.2017. So far, there are no direct witnesses to hold that the petitioner-A9 took huge money as contended by the learned Additional Public Prosecutor to transport ganja in Bolero Van. The same is yet to be established.

6. It is brought to the notice of this Court that the petitioner-A9 is an accused in Cr.No.32 of 2009 of same Police Station.

7. Having regard to the nature of allegations and the investigation conducted so far and also the alleged involvement of the petitioner-A9 in this crime, the petitioner-A9 can be enlarged on bail on some conditions.

8. In the result, the Criminal Petition is allowed. The petitioner-A9 is ordered to be released on bail on his executing a personal bond for Rs.20,000/- (Rupees twenty 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-A9 shall attend before the S.H.O. concerned on every Saturday and Sunday between 9.00 A.M. and 10.00 A.M. till filing of charge sheet.”

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Special Judge for Trial of Cases under NDPS Act cum I Additional District Judge, Vizianagaram.
2. The Judicial Magistrate of First Class, S.Kota, Vizianagaram District.
3. The Station House Officer, Jami Police Station, Vizianagaram District.
4. The Superintendent, Central Jail, Visakhapatnam.
5. Two CCs to Public Prosecutor, (AP), High Court of Judicature, at Hyderabad (OUT)
6. one CC to Sri G. Venkata Reddy, Advocate (OPUC)
7. one spare Copy

HIGH COURT

**AB
DRAFTED ON 1-12-2017**

DR.SA,J

DATE: 30-11-2017

ORDER

CRL.P. NO. 11486 OF 2017



BAIL