

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

WEDNESDAY, THE TWENTIETH DAY OF DECEMBER,
TWO THOUSAND AND SEVENTEEN
: PRESENT:

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

CRIMINAL PETITION No. 12307 of 2017

Between:

Kottaiyan Yuvenesh, S/o. Kottaiyam

Petitioner/Accused No.1

AND

The State of Andhra Pradesh, rep. by its Public Prosecutor, High Court of Judicature at Hyderabad, for the State of Telangana and the State of A.P.

Respondent/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 petitioner/accused No.1 on Regular Bail in connection with SC.No. 207 of 2017 on the file of the I Additional District & Sessions Judge, Rajahmundry, East Godavari District and release the petitioner/accused No.1.

The Petition coming on for hearing, upon perusing the petition and the grounds filed herein and upon hearing the arguments of Sri T.R.K.S.Srinivas, Advocate for the Petitioner 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 petitioner-A1 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 petitioner-A1, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A1 would submit that the petitioner-A1 is an innocent person and falsely implicated in this case. As per the prosecution case, 16 Kgs of ganja consisting 8 packets was seized from his possession on 21.04.2017. The charge sheet is filed in this case. The petitioner-A1 is ready to provide required security for his release and ultimately, prayed to allow the application.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioner-A1.

5. As per the record placed before this Court, charge sheet is filed, wherein there is a specific mention that 16 Kgs of ganja consisting 8 packets kept in two luggage bags was seized from the possession of the petitioner-A1. The investigation is completed in this case. The quantity of ganja seized is not a commercial quantity.

6. Having regard to the nature of allegations and the material collected so far and the petitioner-A1 is required to prepare for his defence, he can be enlarged on bail under Section 439 Cr.P.C.

7. In the result, the petitioner-A1 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 II Metropolitan Magistrate for Railways, Vijayawada. Further, one of the sureties shall be the person belonging to the native place of the petitioner-A1, having immovable property.

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8. **Accordingly, the Criminal Petition is allowed.”**

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The I Additional District & Sessions Judge, Rajahmundry, East Godavari District.
2. The II Metropolitan Magistrate for Railways, Vijayawada, Krishna District.
3. The Superintendent, Central Prison, Rajahmundry, E.G.District.
4. Two CCs to the Public Prosecutor (AP), High Court, Hyd(OUT)
5. One CC to Sri T.R.K.S.Srinivas, Advocate(OPUC)
6. One spare copy.

SAH



HIGH COURT

Dr.SAJ

DATED: 20-12-2017

ORDER

CRL.P.NO. 12307 OF 2017

BAIL GRANTED



DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 21-12-2017

HIGH COURT

Dr.SAJ



DATED: 20-12-2017

ORDER

CRL.P.NO. 12307 OF 2017

BAIL GRANTED