

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
TUESDAY, THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND SEVENTEEN**

:PRESENT:
THE HON'BLE SMT. JUSTICE T. RAJANI

CRL. P. NO:12620 of 2017

Between:

- 1 Nepal Biswas, s/o. Atul Biswas, Age 24 years, R/o. M.V.84, Village, Padmagiri Mandal, Malkangiri District, Odisha State.
- 2 Nilakanta Biswas, S/o. Nitai Biswas, Age 21 years, R/o. V.V.83, Village, Jaduguda Post, Padmagiri Mandal, Malkangiri District, Odisha State.

..... Petitioners/Accused No.2 & 3

AND

The State of A.P., through Station House Officer, Kunavaram P.S., East Godavari 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 petitioners / accused Nos. 2 & 3 on bail in Crime No.32/2016 on the file of the Kunavaram P.S., East Godavari District;

Counsel for the Petitioners : SRI G.VENKATA REDDY

Counsel for the Respondent : PUBLIC PROSECUTOR (AP)

The Court made the following ORDER:

“This petition is filed under Sections 437 and 439 of the Criminal Procedure Code seeking to enlarge the petitioners, who are A2 and A3, on bail in Cr.No.32 of 2016 on the file of the Kunavaram Police Station, East Godavari District. The offences alleged are under Section 20(b)(ii) (B) of NDPS Act.

2. Heard the counsel for the petitioners and the learned Public Prosecutor appearing for the respondent.

3. The learned Public Prosecutor contends that the commercial quantity of Ganja seized was from all the accused together. He also placed an order of this Court in CRLP.No.4189 of 2017 dated 22.09.2017 wherein this Court dismissed the bail application by considering that the quantity of ganja was 36.470 Kgs. So also this Court dismissed CRLP.No.12022 of 2017 by order dated 13.12.2017, which is filed by A1.

4. However, the orders do not reflect that the present argument of the counsel for the petitioners, that separate seizure was shown in respect of each of the accused, was considered. The counsel for the petitioners draws the attention of the Court to

the contents of the panchanama, wherein the seizure in respect of each of the accused is separately show and the quantity seized from each of the accused falls below the commercial quantity. The petitioners have been languishing in jail since 24.01.2016.

Hence, considering the said fact, the criminal petition is allowed and the petitioners are directed to be enlarged on bail on condition of their executing personal bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate, Rampachodavaram and to appear before the trial Court on the dates given by the concerned Court. By considering the contention of the learned Public Prosecutor that the petitioners hail from Orissa, one surety of the petitioners shall be that of the blood relative or a Government employee having immovable property in their native village.”

Sd/- I.NAGA LAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The I Addl. District and Sessions Judge, East Godavari District, Rajamahendravaram.
2. The Judicial First Class Magistrate, Rampachodavaram, East Godavari District.
3. The Station House officer, Kunavaram Police Station, East Godavari District.
4. The Superintendent, Central Jail, Rajamahendravaram (Rajahmundry), East Godavari District.
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 27-12-2017**

TR,J

DATE: 26-12-2017

ORDER

CRL.P. NO. 12620 OF 2017



BAIL