

**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

CRL.P .No. 11859 of 2017

Between:

Gurram Venkateswarlu @ G.V, S/o. Bhaskar Rao, (A-1)
aged about 40 years, R/o. Kalugolammepeta,
Kavali Town, SPSR Nellore District.

..... **Petitioner/Accused**

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 Andhra
Pradesh.

.....**Respondent/
Complainant**

Petition under Sections 437 & 439 of Cr.P.C. praying that in the circumstances stated in the petition filed herein, the High Court may be pleased to direct release of the petitioner on bail pending investigation, enquiry and trial in Crime No.144 of 2017 of I Town Police Station, Kavali, SPSR Nellore District.

The petition coming on for hearing, upon perusing the Petition filed in support thereof and upon hearing the arguments of Sri S. Niranjan Reddy on behalf of Sri T. Nagarjuna Reddy, Advocate for the petitioner-A1 and of the learned Additional Public Prosecutor (AP) for the Respondent-State, 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 offences alleged under Sections 3 and 4 of Gaming Act, 1974 and 20 (b) (ii) (C) of NDPS Act, 1985.

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

3. Mr.S.Niranjan Reddy on behalf of Mr.T.Nagarjuna Reddy, learned counsel for the petitioner-A1 would submit that the petitioner-A1 was falsely implicated in this case. As per the prosecution case, pursuant to the confession made by A1 to A4, 21.5 Kgs of ganja in two bags was seized under a cover of panchanama on 02.08.2017. The other accused were granted bail by this Court. The earlier two bail applications filed before this Court in CrI.P.No.8740 of 2017 and in CrI.P.No.10358 of 2017 were dismissed on 09.10.2017 and 07.11.2017 respectively. It is contended that the allegation of seizure of ganja at the instance of A1 to A4 was not brought to the notice of this Court in earlier bail applications. This Court dismissed the bail application of the petitioner-A1 on the ground that ganja was seized from the car belonging to the petitioner-A1. It is further contended that the entire investigation is completed. F.S.L. report is awaited. Except the offence under NDPS Act, the other alleged offences are bailable. The petitioner-A1 was not in conscious possession of the contraband.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioner-A1 stating that there are no changes of circumstances.

5. The point for determination is whether the petitioner-A1 is entitled for bail under Section 439 Cr.P.C.,?

6. A2 was granted bail by this Court vide order, dated 22.11.2017 in CrI.P.No.10962 of 2017. A11 was granted bail by this Court, vide order, dated 23.11.2017 in CrI.P.No.10970 of 2017. The allegations against the petitioner-A1 and A2 are similar. The specific allegation against the petitioner-A1 and A2 to A4 is that they indulged in cricket betting on line and making crores of rupees to encourage the participants and bookies distributing ganja. Electronic devices used in the alleged betting was seized by the police on 02.08.2017. Two gunny bags weighing 10 and 10.5 Kgs of ganja was seized from the car belonging to the petitioner-A1 pursuant to the confession made by A1 to A4. The petitioner-A1 was remanded to judicial custody on 03.08.2017. The confession of petitioner-A1 and A2 to A4 lead to recovery of 20.5 Kgs of ganja is required to be established in due process of law to believe the conscious possession. Most part of the investigation is completed. The material alleged to have used in cricket betting was already seized. In the circumstances of the case, it cannot be held that the petitioner-A1 is dealing in contraband and he would repeat similar offences. There is no bar to file this regular bail application for grant of bail under Section 439 Cr.P.C. In view of facts and circumstances, the petitioner-A1 can be enlarged on bail on some conditions.

7. In the result, the Criminal Petition is allowed and the petitioner-A1 is ordered to be released on bail on his executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a like sum each to the satisfaction of I Addl. District and Sessions Judge, Nellore, SPSR Nellore District. On release, the petitioner-A1 shall not leave India without permission of the trial Court."

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The I Additional District & Sessions Judge, Nellore, SPSR Nellore District.
- 2 The Superintendent, Sub-Jail, Kavali, SPSR Nellore District.
- 3 The Station House Officer, I Town Police Station, Kavali, SPSR Nellore District.
- 4 One CC to Sri T. Nagarjuna Reddy, Advocate (OPUC)
- 5 Two CCs to Public Prosecutor (AP), High Court of Judicature at Hyderabad.
(OUT)
- 6 One spare copy.

HIGH COURT

Dr.SA,J

DATE: 12-12-2017

ORDER

CRL.P. NO. 11859 OF 2017

DIRECTION



HIGH COURT

Nnr

Date of Drafting: 12-12-2017

Dr.SA,J

DATE: 12-12-2017

ORDER

CRL.P.NO. 11859 OF 2017

DIRECTION

