

**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 HONOURABLE DR JUSTICE SHAMEEM AKTHER
CRLP .No. 11682 of 2017**

Between:-

- 1.Sarat Patra, S/o. Maguni Patra (A-1)
 - 2.Praphulla Chandra Patra, s/o. Shiba Prasad Patra (A-2)
- Petitioners/Accused Nos. 1 & 2.

AND

The State of Andhra Pradesh, Represented by its Public Prosecutor,
High Court of Judicature at Hyderabad, Through Station House Officer,
Bhavanipuram (Prohibition & Excise) P.S., Vijayawada City,
Krishna District.

.....Respondent/Complainant.

Petition filed under Sections 437 & 439 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to pass an Order by enlarging the Petitioners 1 & 2 herein on bail in Crime No. 106 of 2017 of Prohibition and Excise Police Station, Bhavanipuram, Vijayawada in the interests of justice and impose as such other condition or conditions.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri Chandra Sekhar Ilapakurti, Advocate for the Petitioners and of Addl. Public Prosecutor(AP) on behalf of Respondent-State, the Court made the following **ORDER :-**

“This Criminal Petition, under Section 437 & 439 of the Code of Criminal Procedure, 1973, is filed by the petitioners-A1 & A2, seeking enlargement on bail in Crime No. 106 of 2017 on the file of Prohibition & Excise Police Station, Bhavanipuram, Vijayawada, registered for the offences under Section 8(c) r/w 20 (b)(ii)(c) of the N.D.P.S. Act, 1985.

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

3. Learned counsel for the petitioners would submit that the petitioners are innocent persons and this case is foisted for statistical purpose. It is alleged that in total 22 kgs of ganja was seized from the possession of petitioners-A1 & A2 and the petitioners are ready to abide by any condition and ultimately, prayed the Court to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioners-A1 & A2.

5. As per the material placed on record, 14 kgs of gaja was seized from the possession of petitioner-A1 and 8 kgs of ganja alleged to have been seized from the possession of petitioner-A2. When they were found in railway platform on south exit gate of Vijayawada Railway Station on 18.09.2017, as seen the alleged quantity of ganja is small quantity. Petitionrs-A1 & A2 were remanded to the judicial custody on 19.09.2017. Having regard to the nature of allegations and the material collected so far, petitioners-A1 & A2 can be enlarged on bail on certain terms and conditions.

Contd.2..

Accordingly, the Criminal Petition is allowed and the petitioners-A1 & A2 are ordered to be released on bail on their executing a personal bond each for a sum of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties in a like sum each to the satisfaction of the learned Additional Metropolitan Magistrate Court, Vijayawada. Further, the petitioners-A1 & A2 shall report before the Station House Officer, Prohibition & Excise Police Station, Bhavanipuram, Vijayawada, on every Sunday between 9.00 A.M. and 10.00 A.M. till filing of the charge sheet. One of the sureties shall belong to the native place of petitioners-A1 & A2 and he shall offer surety of immoveable property.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed."

Sd/- T. KRISHNA KUMAR,
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The Metropolitan Sessions Judge-cum-Special Judge for Trial of N.D.P.S. Act Cases at Vijayawada, Krishna District.
- 2.The Additional Metropolitan Magistrate Court, Vijayawada, Krishna District.
- 3.Station House Officer, Bhavanipuram Prohibition & Excise Station, Vijayawada, Krishna District.
- 4.The Superintendent, Central Prison, Rajamahendravaram, East Godavari District.
- 5.Two CCs to the Public Prosecutor(AP), High Court at Hyd.(OUT)
- 6.One CC to Sri Chandra Sekhar Ilapakurti, Advocate(OPUC)
- 7.One spare copy.

TKK



HIGH COURT

DR.SA.J

DT.12-12-2017.

BAIL ORDER



CRL.P.No. 11682 of 2017

**RELEASE THE PETITIONERS
ON BAIL**

**DRAFTED BY TKK
DT.13-12-2017.**

HIGH COURT

DR.SA.J

DT.12-12-2017.



BAIL ORDER

CRL.P.No. 11682 of 2017

**RELEASE THE PETITIONERS
ON BAIL.**