

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
TUESSDAY, THE NINETEENTH DAY OF DECEMBER, TWO THOUSAND AND
SEVENTEEN
: PRESENT :
THE HONOURABLE DR JUSTICE SHAMEEM AKTHER
CRLP .No. 12282 of 2017**

Between:-
Kola Narayana, S/o. Venkataiah

..... Petitioner/Accused.

AND

The State of Telangana, "through" P.s.Excise Yellareddypet, Represented by Public Prosecutor

.....Respondent/Complainant.

Petition filed under Sections 438 of Cr.P.C. praying that in the circumstances stated in the Grounds of Criminal Petition, the High Court may be pleased to direct the respondents to release the Petitioner/accused in Cor.No.428 of 2016, on the file of P.S. Excise Yellareddypet, in the event of his arrest in the interest of justice.

The petition coming on for hearing, upon perusing the memorandum of grounds filed in support thereof and upon hearing the arguments of Sri Ashok Goud Ponnamm, Advocate for the Petitioner and of Addl. Public Prosecutor(TS) on behalf of Respondent-State, the Court made the following **ORDER :-**

"This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of anticipatory bail in the event of his arrest in Cor. No.428 of 2016 on the file of the Excise Police Station, Yellareddypet, Rajanna Sircilla District, registered for the offences punishable under Section 27(1) of the A.P.Excise Rules and Section 8(c) read with 37(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act', for brevity).

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

3. The learned counsel for the petitioner/accused, relying on the decision rendered by this Court on 25.10.2017 in CrI.P.No.9758 of 2017, would submit that in the FSL Report, dated 17.01.2017 bearing No.C.E.No.365/2017/2, the sample that was seized was found adulterated with Diazepam. Though the contraband was found in the toddy sample, the quantity of the contraband has not been mentioned in the FSL report. Therefore, the quantity of the contraband is required to be taken as small. Moreover, the maximum punishment prescribed for the offence punishable under Section 22(a) of the NDPS Act is one year imprisonment and fine of Rs.1,000/- or both and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of anticipatory bail to the petitioner/accused.

5. Having regard to the nature of accusations levelled against the petitioner/accused, this Court is inclined to grant bail to the petitioner/accused under Section 438 of Cr.P.C. on some conditions.

Contd.2...

6. Accordingly, the petitioner/accused is directed to surrender before the Station House Officer, Excise Police Station, Yellareddypet, Rajanna Sircilla District, within a period of 15 days from the date of this order. On such surrender, the Station House Officer, Excise Police Station, Yellareddypet, Rajanna Sircilla District, shall release the petitioner/accused on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties in a like sum each to his satisfaction. After being released on bail, the petitioner/accused shall report before the Station House Officer, Excise Police Station, Yellareddypet, Rajanna Sircilla District, on every Sunday between 09:00 AM and 10:00 AM, till filing of the charge-sheet. The petitioner/accused shall also abide by the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, 1973, and shall cooperate with the investigation officer in the investigation of the case.

7. The Criminal Petition is, accordingly, allowed.

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

Sd/- G. RAJESHWARA RAO,
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The Additional Junior Civil Judge, Siricilla, At Rajanna Sircilla District.
- 2.The Station House Officer, Excise Police Station, Yellareddypet, Rajanna Sircilla District.
- 3.Two CCs to the Public Prosecutor(TS), High Court at Hyd.(OUT)
- 4.One CC to Sri Ashok Goud Ponnamp, Advocate(OPUC)
- 5.One spare copy.

TKK

HIGH COURT

DR.SA.J

DT.19-12-2017.

**ANTICIPATORY
BAIL ORDER**



CRL.P.No. 12282 of 2017

**RELEASE THE PETITIONER
ON BAIL**

**DRAFTED BY TKK
DT.20-12-2017.**

HIGH COURT

DR.SA.J

DT.19-12-2017.



**ANTICIPATORY
BAIL ORDER**

CRL.P.No. 12282 of 2017

**RELEASE THE PETITIONER
ON BAIL.**