

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

THURSDAY, THE TWENTY EIGHTH DAY OF DECEMBER,
TWO THOUSAND AND SEVENTEEN
: PRESENT:

THE HON'BLE SMT JUSTICE **T.RAJANI**

CRIMINAL PETITION No. 12675 of 2017

Between:

Duriya Appalaswamy, S/o. Chachaiah

Petitioner

(Accused No.5 in Cr.No. 41/2017
of Proh & Excise Station, Vizianagaram Dist)

AND

The State of A.P., through Station House Officer, Prohibition & Excise Station,
Vizianagaram-I, Vizianagaram District, rep. by Public Prosecutor, High Court at
Hyderabad.

Respondent

Petition under Section 438 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/A.5 on bail in the event of his arrest by the respondent Prohibition & Excise Station, Vizianagaram-I, Vizianagaram District, in Cr.NO. 41/2017.

The Petition coming on for hearing, upon perusing the petition and the grounds filed herein and upon hearing the arguments of Sri G.Venkata Reddy, Advocate for the Petitioner and of the Public Prosecutor (AP) for the Respondent, the Court made the following

ORDER:

“ This petition is filed under Section 438 Cr.P.C. seeking for grant of anticipatory bail to the petitioner, who is A5 in Crime No.41 of 2017 on the file of the Prohibition & Excise Station, Vizianagaram-I, Vizianagaram District.

2. The offence alleged against the petitioner is under Section 8 (C) r/w 20 (b) (ii) (c) of N.D.P.S. Act.

3. Heard learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner contends that absolutely, there are no allegations against the petitioner. He took this Court to the mediator's report and also report of the complainant. Except in the concluding para, there is no mention about the petitioner-A5 at all. Therefore, it is a fit case to grant anticipatory bail to the petitioner, in spite of the fact that the quantity of contraband (ganja) is 28 KGs. *Prima facie*, this Court finds there are reasonable grounds to believe that the accused is not guilty.

5. Accordingly, the Criminal Petition is allowed. The petitioner is directed to surrender before the Station House Officer, Prohibition & Excise Station, Vizianagaram-I, Vizianagaram District, within 15 days from the date of this order. On such surrender, the petitioner shall be released on bail on his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties in a like sum each to the satisfaction of the said Station House Officer. Further, on such release, the petitioner shall abide by the conditions mentioned under Section 438(2) Cr.P.C., as under:

- i) The petitioner shall make himself available for interrogation by a police officer as and when required.
- ii) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

..2..

iii) The petitioner shall not leave India without the previous permission of the Court.

As a sequel, miscellaneous petitions, if any pending, in this petition shall stand closed.”

Sd/- C.V.MALLIKARJUNA VARMA
ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The I Additional District and Sessions Judge, Vizianagaram.
2. The SHO, Prohibition & Excise Station, Vizianagaram –I, Vizianagaram District.
3. Two CCs to the Public Prosecutor (AP), High Court, Hyd(OUT)
4. One CC to Sri G.Venkata Reddy, Advocate(OPUC)
5. One spare copy.

SAH



HIGH COURT

TRJ

DATED: 28-12-2017

ORDER

CRL.P.NO. 12675 OF 2017



ANTICIPATORY BAIL

DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 02-01-2018

HIGH COURT

TRJ



DATED: 28-12-2017

ORDER

CRL.P.NO. 12675 OF 2017

ANTICIPATORY BAIL