

**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 HONOURABLE SMT JUSTICE T. RAJANI
CRLP .No. 12606 of 2017**

Between:-

1.Karingi Rajubabu @ Raju, S/o. Musalayya.
2.Muvvala Vasu, S/o. Sundara Rao.

..... Petitioners/Accused Nos. 1 & 2.

AND

State of Andhra Pradesh, Rep. by its Public Prosecutor,
High Court at Hyderabad, For the State of Telangana and the
State of A.P.

.....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 enlarge the Petitioners/Accused Nos. 1 & 2 on bail in Crime No. 36 of 2017 of Rajanagaram Police Station, East Godavari District.

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

“This Criminal Petition is filed by the petitioner/Accused under section 437 and 439 of Cr.P.C., seeking to enlarge them on bail in Crime No. 36 of 2017 of Rajanagaram Police Station, East Godavari district, registered for the offences punishable under section 8 [c] read with section 20 [b] [ii] of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard the learned counsel for the petitioners/A-1 and A-2 and the learned Public Prosecutor for the respondent/State.

3. As per the case of prosecution, the petitioners, together purchased 40 Kgs. of ganja from an unknown person @ Rs.1000/- per KG for doing business and while carrying it on their motor cycles, police seized the same from the possession of the petitioners. Hence, from the facts of the case A-1 is the main culprit, who approached A-2 and requested him to show the ganja places. Thereafter, on an offer of Rs.3,000/-, he carried ganja on his vehicle only as a help to A-1. Hence, it appears that A-2 had no *mens rea* for committing the alleged offence. Considering the above, so far as the petitioner/A-2 is concerned, this Criminal Petition is allowed, whereas this Criminal Petition is dismissed so far as A-1 is concerned.

4. Accordingly, the petitioner/A-2 shall be released on bail in Crime No.36 of 2017 of Rajanagaram Police Station, East Godavari district, on his executing a personal bond of Rs.10,000=00 (Rs. Ten Thousand only) with two sureties for the like sum each to the satisfaction of I-Additional District and Sessions Judge, Rajahmundry, East Godavari district.

6. In the result, this Criminal Petition is partly allowed. As a sequel, miscellaneous petitions if any, pending in this Criminal Petition shall stand closed.”

ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR
Contd..2..

To

- 1.The I Additional District and Sessions Judge, Rajahmundry, East Godavari District
- 2.The Judicial Magistrate of First Class, Addateegala, East Godavari District.
- 3.Station House Officer, Rajanagaram Police Station, East Godavari 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 Rajasekhar Tulasi, Advocate(OPUC)
- 7.One spare copy.

TKK



HIGH COURT

DR.SA.J

DT.26-12-2017.

BAIL ORDER



CRL.P.No. 12606 of 2017

**RELEASE THE PETITIONERS
ON BAIL**

**DRAFTED BY TKK
DT.27-12-2017.**

HIGH COURT

TR.J

DT.26-12-2017.



BAIL ORDER

CRL.P.No. 12606 of 2017

**RELEASE THE PETITIONERS
ON BAIL.**