

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

FRIDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND EIGHTEEN

:PRESENT:

THE HON'BLE SMT. JUSTICE T.RAJANI

CRLP .NO:343 of 2018

Between:

Marri Anjaneya S/o Late Marri Raja Babu

..... Petitioner/Accused

AND

State of Andhra Pradesh, Rep. by Public Prosecutor, High Court of A.P.,
Hyderabad.

.....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 enlarge the petitioner on bail in NSC No.583 of 2017 (F.No.DRI/HZU/48/ENQ-01(INT-01) 2017 on the file of the Metropolitan Sessions Judge-cum-Special Judge for the trial of Offences under NDPS Act, Visakhapatnam.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Sri Nandigam Krishna Rao, Advocate for the Petitioner, and of Public Prosecutor(AP) for the respondent, the Court made the following.

ORDER

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.343 of 2018

ORDER:

This petition is filed, under Sections 437 and 439 of the Code of Criminal Procedure, 1973, seeking for release of the petitioner, who is the accused, on bail in NSC No.583 of 2017 (F.No.DRI/HZU/VRU/48/ENQ-01(INT-01)2017) on the file of the Metropolitan Sessions Judge-cum-Special Judge for the trial of Offences under NDPS Act, Visakhapatnam.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the respondent.

3. The facts of the case are that special intelligence was received about the transportation of Ganja in a lorry and the officers proceeded to the spot, after securing witnesses and they kept surveillance on the vehicles coming from Gajuwaka and they stopped the lorry bearing No.AP37T4786. The driver of the said lorry is said to be one Anjaneya, who is the petitioner herein. They found 386 bags of Ganja, inside the lorry, underneath the gravel kept in a polythene bag. According to the confession of this petitioner, one C.Srinivas handed over the tipper lorry on a highway near Anakapalli, along with a phone and asked him to take the vehicle to Visakhapatnam and he told him that he would get a call on his mobile, about the location where he should take the lorry for unloading and that said Srinivas offered him to pay Rs.5,000/- for his trip.

Now

4. From a reading of the above facts, it is clear that there is no *mens rea* on the part of the petitioner to deal with the Ganja, except accepting to transport the Ganja, having been lured by the extra charges offered to be paid. Hence, this court opines that this is a fit case for enlarging the petitioner on bail.

5. Considering the above circumstances, the Criminal Petition is allowed and the petitioner is directed to be enlarged on bail on condition of his executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of the Metropolitan Sessions Judge-cum-Special Judge for the Trial of Offences under NDPS Act, Visakhapatnam, and to appear before the trial Court on the dates given by the concerned Court.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

Sd/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Metropolitan Sessions Judge-cum-Special Judge for the trial of Offences under NDPS Act, Visakhapatnam
 2. The Superintendent, Central Prison, Visakhapatnam
 3. The Senior Intelligence Officer, Directorate of Revenue Intelligence (DRI) Visakhapatnam Regional Unit, Plot No.15 D.No.11-3-9/1, Gangapur Layout, Near Governor Bungalow, Visakhapatnam - 530003.
 4. Two CCs to the Public Prosecutor (AP), High Court at Hyderabad (OUT)
 5. One CC to Sri Nandigam Krishna Rao, Advocate (OPUC)
 6. One spare copy.
- Gk

HIGH COURT

TR,J

DATED: 09.02.2018

ORDER:



CRLP. NO:343 of 2018

DIRECTION