

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

THURSDAY, THE TWENTY FIFTH DAY OF JANUARY,
TWO THOUSAND AND EIGHTEEN

PRESENT
THE HON'BLE SMT JUSTICE T. RAJANI

CRL.P.No. 405 of 2018

Between:

Karanam Suri Babu, S/o. Satyanarayana

Petitioner/Accused No.4

AND

The State of Andhra Pradesh, rep. by its Public Prosecutor, High Court of Judicature at
Hyderabad through Unguturu Police Station, Vijayawada City, Krishna District.

Respondent/Complainant

COUNSEL FOR THE PETITIONER: SRI. CHANDRA SEKHAR ILAPAKURTI

COUNSEL FOR THE RESPONDENT : THE PUBLIC PROSECUTOR (AP)

Petition under Sections 437 & 439 of Cr.P.C., praying that in the circumstances stated in the memorandum of grounds filed herein, the High Court may be pleased to enlarge the petitioner on bail in Crime No.60 of 2017 of Unguturu P.S., Vijayawada City, Krishna District.

The Court made the following Order:

This Criminal Petition is filed seeking for grant of bail to the petitioner, who is accused No.4, in Crime No.60 of 2017 on the file of the Station House Officer, Unguturu Police Station, Vijayawada City, Krishna District.

2. The offences alleged are under Section 8(c) R/w.20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act').

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

4. Learned counsel for the petitioner submits that the name of the petitioner does not find place in the confessional statements made by the accused, in the first instance, and it is only subsequently, the name of the petitioner finds place in the report. The statements of the other accused show that they did not mention the name of the petitioner/accused No.4, as they were under fear. The said fact cannot be believed and some doubt arises in the case of prosecution.

5. Section 37 of the Act does not permit grant of bail when commercial quantity of the contraband is involved, except under the two circumstances; one being that there are reasonable grounds to believe that the petitioner is not guilty of such offence and the second being that he does not involve in other offences while on bail. With regard to the first condition, the above submission of the petitioner's counsel seems to be cogent and reasonable doubt is thrown on the case of the prosecution. With regard to the second condition, the learned Public Prosecutor submits that the petitioner is a habitual offender. But, however, the said fact can be taken care of by imposing suitable conditions.

6. Hence, the Criminal Petition is allowed. The petitioner/accused No.4 is directed to be enlarged on bail, on condition of his executing a personal bond for a sum of Rs.40,000/- (Rupees forty thousand only) with two sureties for a like sum each to the satisfaction of the V Metropolitan Magistrate, Gannavaram, Krishna District. Further, the petitioner/accused No.4 is directed to appear before the Station House Officer, Unguturu Police Station, Vijayawada City, on every day between 10:00 a.m. and 12:00 a.m., until further orders.

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

//TRUE COPY//

ASSISTANT REGISTRAR

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 V Metropolitan Magistrate, Gannavaram, Krishna District.
3. The Station House Officer, Unguturu Police Station, Vijayawada, Krishna District
4. The Superintendent, Sub Jail, Gannavaram, Krishna District.
5. Two CCs to Public Prosecutor (AP), High Court, Hyderabad (OUT)
6. One CC to Sri. Chandra Sekhar Ilapakurti, Advocate (OPUC)
7. One Spare copy

KK

HIGH COURT

TRJ

DT. 25-1-2018

BAIL ORDER

CRL.P.NO. 405 OF 2018

DIRECTION



Drafted by: KK
Drafted on: 27-1-2018

HIGH COURT

TRJ

DT. 25-1-2018

BAIL ORDER

CRL.P.NO. 405 OF 2018

DIRECTION

