

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

FRIDAY, THE SIXTEENTH DAY OF FEBRUARY,
TWO THOUSAND AND EIGHTEEN
: PRESENT:

THE HON'BLE SMT JUSTICE T.RAJANI

CRIMINAL PETITION No. 1504 of 2018

Between:

Samara Tanti, S/o. Dhona Tanti

Petitioner

(Accused in Cr.No.34/2017
of Manchingput P.S., Visakhapatnam Dist)

AND

The State of Andhra Pradesh, rep by through Public Prosecutor, High Court at
Hyderabad.

Respondent

Petition under Sections 437 & 439 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 on bail in Cr.No. 34 of 2017 on the file of Manchingput Police Station, Visakhapatnam.

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

ORDER:

“ This criminal petition, under Sections 437 and 439 of Cr.P.C., is filed by petitioner/accused in Crime No.34 of 2017 of Manchingput Police Station, Visakhapatnam District, seeking bail.

2. The offences alleged against the accused are under Sections 20(b)(ii)(c) read with Section 8 (c) of NDPS Act, 1985.

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

4. As per the case of prosecution, 300 Kgs of ganja was seized from the possession of the accused under mediatorsnama. The petitioner is the sole accused. Section 37 of NDPS Act comes in the way of granting bail.

5. The counsel for petitioner submits that there is ample evidence to show that this case was foisted falsely against the petitioner. He submits that no ganja was seized immediately from the possession of accused or thereafter.

6. It is the case of the prosecution that on seeing the police, the petitioner started running away and when they stopped and questioned, he stated that he purchased 300 Kgs of ganja and hid it in the bushes and at his instance, the same was recovered subsequently.

7. The counsel for petitioner submits that the case of prosecution suffers from severe infirmity with regard to the time of making GD entry. He submits that as per the remand report, the police went to the spot after making GD entry, but in the mediatorsnama, no such fact is mentioned and in the FIR, the time of making GD entry is stated to be 17.45 hours. The time of receiving information as per the remand report is 14.00 hours and the mediatorsnama shows that they went to the spot at 15.00 hours. Hence, the above discrepancy would throw any amount of doubt in the case of the prosecution. In the circumstances, this is a fit case to grant bail to the petitioner.

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8. Accordingly, the Criminal Petition is allowed. The petitioner/accused is 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 Judicial First Class Magistrate, Paderu. Further, the petitioner shall appear before the Station House Officer, Manchingput Police Station, Visakhapatnam District, on every Wednesday and Saturday between 10.00 AM and 12.00 Noon.

9. Miscellaneous applications, if any, pending in this criminal petition shall stand dismissed.”

ASSISTANT REGISTRAR

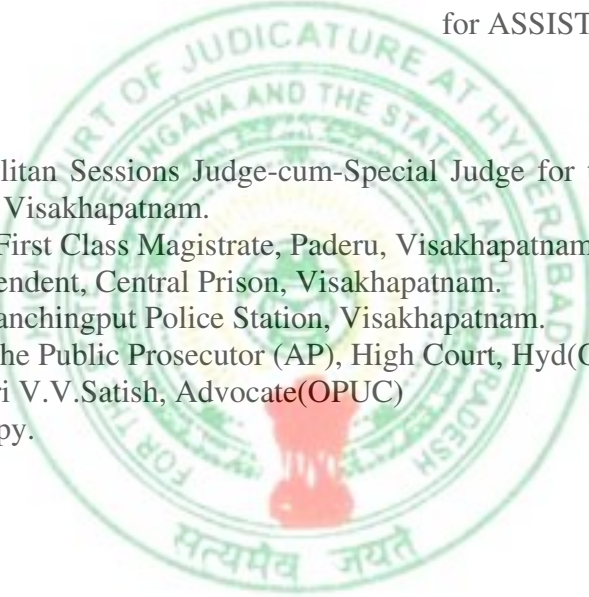
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for ASSISTANT REGISTRAR

To

1. The Metropolitan Sessions Judge-cum-Special Judge for trial of offences under NDPS Act at Visakhapatnam.
2. The Judicial First Class Magistrate, Paderu, Visakhapatnam.
3. The Superintendent, Central Prison, Visakhapatnam.
4. The SHO, Manchingput Police Station, Visakhapatnam.
5. Two CCs to the Public Prosecutor (AP), High Court, Hyd(OUT)
6. One CC to Sri V.V.Satish, Advocate(OPUC)
7. One spare copy.

SAH



HIGH COURT

TRJ

DATED: 16-02-2018

ORDER

CRL.P.NO. 1504 OF 2018

BAIL GRANTED



DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 16-02-2018

HIGH COURT

TRJ



DATED: 16-02-2018

ORDER

CRL.P.NO. 1504 OF 2018

BAIL GRANTED