

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

WEDNESDAY, THE TWENTY FIRST DAY OF FEBRUARY,
TWO THOUSAND AND EIGHTEEN

: PRESENT:

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

CRIMINAL PETITION No. 1708 of 2018

Between:

Narla Vamsi Krishna, S/o. Pardha Saradhi

Petitioner

(Accused No.1 in Cr.No.93/2017
of Prathipadu P.S., E.G.District)

AND

State of Andhra Pradesh, rep. by its Public Prosecutor, High Court of Judicature at
Hyderabad, through Station House Officer, Prathipadu P.S., East Godavari District.

Respondent/Complainant

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 pass an order by enlarging the Petitioner herein on bail in Crime No. 93/2017 of Prathipadu P.S., East Godavari District in the interests of justice.

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

ORDER:

“ This petition is filed, under Sections 437 and 439 of the Criminal Procedure Code, 1973, seeking to enlarge the petitioner, who is A1, on bail in Crime No.93 of 2017, on the file of Prathipadu Police Station, East Godavari District, for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) of NDPS Act, 1985.

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

3. As per the case of the prosecution, 100 Kgs of Ganza was seized from all the accused, which is beyond the commercial quantity. Section 37 of the NDPS Act does not permit the court to grant bail to the petitioner, where contraband involved is commercial quantity.

4. But, the counsel for the petitioner submits that there are six accused in this case and that when the quantity is divided among the six accused, it falls below the commercial quantity and hence it cannot be considered as a case involving commercial quantity. In support of his submission, he relies on the orders of this court, dated 08.03.2017, passed in CrI.P.Nos.1501 and 1508 of 2017 and CrI.P.No.12155 of 2015, from which it can be understood that this court took a view that when the quantity of contraband is seized, it has to be divided among people, who are found to be in possession of such quantity and if on such division, the quantity falls lesser than the commercial quantity, Section 37 of the NDPS Act will not be a hurdle for grant of bail. The counsel for the petitioner further submits that the petitioner has been in jail since 21.05.2017.

5. Hence, going by the said ratio, 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 Judicial First Class Magistrate Court, Prathipadu, East Godavari District and to appear before the trial Court on the dates given by the concerned Court.

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6. The learned Public Prosecutor submits that a direction may be given to the petitioner to attend before the Police Station twice a week.

7. Hence, the petitioner is directed to appear before the Station House Officer, Prathipadu Police Station, East Godavari District, on every Monday and Wednesday between 09:00 AM to 12:00 noon.

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

ASSISTANT REGISTRAR

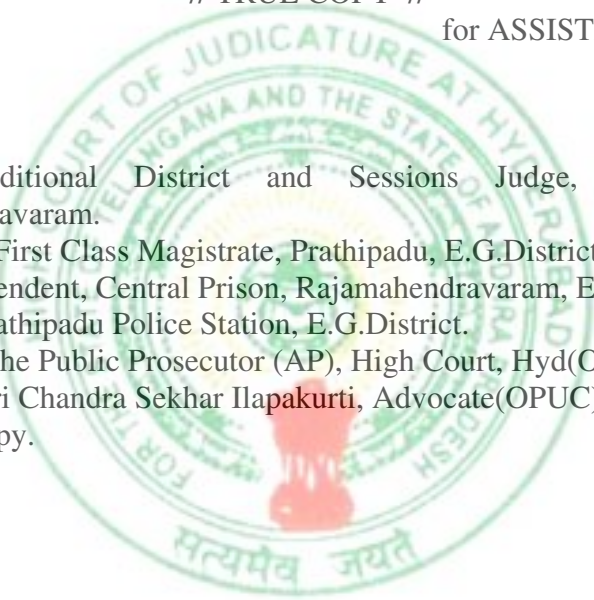
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for ASSISTANT REGISTRAR

To

1. The I Additional District and Sessions Judge, East Godavari at Rajamahendravaram.
2. The Judicial First Class Magistrate, Prathipadu, E.G.District.
3. The Superintendent, Central Prison, Rajamahendravaram, E.G.District.
4. The SHO, Prathipadu Police Station, E.G.District.
5. Two CCs to the Public Prosecutor (AP), High Court, Hyd(OUT)
6. One CC to Sri Chandra Sekhar Ilapakurti, Advocate(OPUC)
7. One spare copy.

SAH



HIGH COURT

TRJ

DATED: 21-02-2018



ORDER

CRL.P.NO. 1708 OF 2018

BAIL GRANTED

DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 23-02-2018

HIGH COURT

TRJ



DATED: 21-02-2018

ORDER

CRL.P.NO. 1708 OF 2018

BAIL GRANTED