

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND STATE OF ANDHRA PRADESH
FRIDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND EIGHTEEN**

:PRESENT:

THE HON'BLE SMT. JUSTICE T. RAJANI

CRIMINAL PETITION NO: 1827 OF 2018

Between:

1. Killo Soduno @ Suguno S/o Saamo
2. Killo Govind, S/o Jagabandu

Petitioners/Accused No.3 & 5

AND

The State of Andhra Pradesh, through Station House Officer, Rolugunta P.S., Visakhapatnam District, rep. by Public Prosecutor, High Court at Hyderabad.

Respondent

Petition under Sections 437 & 439 of Cr.P.C., praying that in the circumstances stated in the petition and the grounds filed herein, the High Court may be pleased to enlarge the petitioners/Accused No.3 & 5 on bail in Cr. No. 21 of 2017 on the file of Rolugunta Police Station, Visakhapatnam District;

Counsel for the Petitioners : SRI G.VENKATA REDDY

Counsel for the Respondent : PUBLIC PROSECUTOR, (AP)

The Court made the following Order:

“This Criminal Petition is filed seeking for grant of bail to the petitioners, who are accused Nos.3 and 5, in Crime No.21 of 2017 on the file of the Station House Officer, Rolugunta Police Station, Visakhapatnam District.

2. The offence alleged is under Section 8(c) R/w.20(b)(ii)(c) of the Narcotic Drugs and Psychotropic substances Act, 1985 (for short, ‘the NDPS Act’).

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

4. Learned counsel for the petitioners submits that, accused Nos.6 and 7 in this crime were already granted statutory bail. Learned counsel further submits that the petitioners herein were not found to be in possession of any contraband and it is only based on the confession of other accused that the petitioners herein got arrested after 8 days of the

offence. He further submits that the said confession though reveals that these petitioners have been supplying ganja to various persons, it is not admissible.

5. Learned Public Prosecutor opposed grant of bail to the petitioners.

6. However, considering the fact that the petitioners were not found to be in possession of any contraband and that, it is only based on the confession made by other accused before the Police, which is not admissible in evidence, they got arrested and languishing in jail since 20.03.2017, this Court opines that this is a fit case for grant of bail to the petitioners/accused Nos.3 and 5. Accordingly, the Criminal Petition is allowed and the petitioners/accused Nos.3 and 5 are directed to be enlarged on bail on condition of each of them 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 Additional Judicial First Class Magistrate, Narsipatnam, Visakhapatnam District.

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 Offences under NDOPS Act, Visakhapatnam.
2. The Addl. Judicial First Class Magistrate, Narsipatnam, Visakhapatnam District.
3. The Station House Officer, Rolugunta Police Station, Visakhapatnam District.
4. The Superintendent, Central Jail, Visakhapatnam.
5. Two CCs to Public Prosecutor, (AP) High Court of Judicature, at Hyderabad (OUT)
6. one CC to Sri G. Venkata Reddy, Advocate (OPUC)
7. one Spare Copy

HIGH COURT

TR,J

DATE:23-2-2018

ORDER

CRL.P. NO. 1827 OF 2018

BAIL

