

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

WEDNESDAY, THE TWENTY EIGHTH DAY OF MARCH,
TWO THOUSAND AND EIGHTEEN

:PRESENT:

THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO: 3491 OF 2018

Between:

Shaik Nadeem @ Shaik Habeeb, S/o Gulam Nabi,

Petitioner/Accused No.1

AND

The State of A.P, through Station House Officer,
Government Railway P.S., Vijayawada, Krishna District,
Rep., by Public Prosecutor, High Court at Hyderabad

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 enlarge the Petitioner/Accused No.1 on bail in S.C No. 110/2017 pending enquiry and trial before the Metropolitan Sessions Judge at Vijayawada in Connection with Crime No. 157/2017 on the file of Government Railway P.S., Vijayawada, Krishna District

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

ORDER

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.3491 of 2018

ORDER

This petition under Sections 437 and 439 of Cr.P.C., is filed to enlarge the petitioner/A1 on bail in Cr.No.157 of 2017 of Government Railway Police Station, Vijayawada, Krishna District, registered for the offences punishable under Section 8 (c) read with Section 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'). The petitioner is in judicial custody since 26.04.2017.

2. The case of the prosecution, in brief, is that on 26.04.2017, on receipt of reliable information about the illegal transportation of ganja, the police rushed to platform No.9, North side Vijayawada Railway Station and found two male and one female persons with their respective luggage bags, and on seeing them, those persons tried to escape, but the police apprehended them, and on verification of their bags, police found 8 Kgs of ganja in each bag. Thus, the quantum of ganja found in possession of the petitioner/A1 is not commercial quantity. Therefore, Section 37 of the Act has no application.

3. Learned Public Prosecutor fairly conceded that entire investigation is completed and charge sheet is filed and the same was registered as S.C.No.110 of 2017 and is pending on the file of Metropolitan Sessions Judge, Vijayawada.

4. In view of the completion of investigation and the quantity of ganja involved in the crime is not commercial quantity, the Court is not required to record the satisfaction under Clause (1)(b) of Section

Har

37 of the Act. Taking into consideration the completion of investigation, filing of charge sheet, the quantity of contraband seized from the possession of the accused and the long period of incarceration, I find that it is a fit case to enlarge the petitioner/A1 on bail.

5. In the result, the Criminal Petition is allowed and the petitioner/A1 is enlarged on bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two local sureties for a like sum each to the satisfaction of the II Metropolitan Magistrate Court for Railways, Vijayawada, Krishna District.

Sd/- N.PURUSHOTHAM REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The II Metropolitan Magistrate Court for Railways, Vijayawada, Krishna District
2. The Metropolitan Sessions Judge at Vijayawada, Krishna District
3. The Superintendent, Central Jail, Rajamahendravaram, E.G. District
4. The Station House Officer, Government Railway Police Station, Vijayawada, Krishna District,
5. Two CCs to Public Prosecutor (AP), High Court, Hyderabad (OUT)
6. One CC to Sri. G. Venkata Reddy, Advocate [OPUC]
7. One spare copy

Skm

HIGH COURT

MSM,J

DATED:28/03/2018

ORDER

CRLP.No.3491 of 2018

DIRECTION



✓