

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

THURSDAY, THE TWELFTH DAY OF APRIL, TWO THOUSAND AND EIGHTEEN_

: PRESENT :

THE HONOURABLE SRI JUSTICE M. SATYANARAYANA MURTHY_

CRLP.No. 4056 of 2018 ✓

Between:-

Maddala Venkata Bala Subramanyam, S/o. M. Venkateshwarlu.

.....Petitioner/Accused No.33. ✓

AND

The State of A.P., Rep. by Public Prosecutor,
High Court of Hyderabad. For the State of Telangana and
State of Andhra Pradesh. ✓

.....Respondent/Complainant. ✓

Petition filed under Sections 437 & 439 of Cr.P.C., praying that in the
circumstances stated in the Grounds of Criminal Petition, the High Court may be
pleased to release the petitioner on bail in Crime No. 04 of 2018, of Narayanavanam
Police Station, Chittoor District. ✓

The petition coming on for hearing, upon perusing the memorandum of grounds
filed in support thereof and upon hearing the arguments of Sri Nageshwara Rao
Pappu, Advocate for the Petitioner and of Public Prosecutor(AP) on behalf of
Respondent-State, the Court made the following ✓

ORDER :-

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.4056 of 2018

ORDER:

This Criminal Petition, under Sections 437 and 439 Cr.P.C, is filed by the petitioner/A33 to grant bail in Crime No. 04 of 2018 of Narayanavanam Police Station, Chittoor, registered for the offences punishable under Section 353, 307, 341, 120(b) read with 34 IPC. And Section 8(c) read with 20(b) (ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('the NDPS Act', for short) and Sections 59 and 63 of Food Safety and Standards Act, 2006.

As per the allegations made in the remand report, the petitioner was allegedly purchasing Gutka from the factory and supplying alleged Ganja. But the petitioner was not found at the scene of offence and arrested. Based on the confessional statement of A2 to A8 on 15.02.2018 and 16.02.2018 recorded from 03.00 PM to 06.00 PM on 10.02.2018, this petitioner was implicated in the above crime.

The only allegations against the petitioner is that he was supplying Ganja, but as per the allegations in the remand report, only 7.2 kgs Ganja was found. Even assuming for a moment, that the petitioner supplied 07.2 kg ganja, it is not a commercial quantity. Therefore, this Court is not required to record its satisfaction under Section 37(1)(b) of the NDPS Act, as the offence is not punishable with imprisonment for life or capital punishment. The petitioner is in jail since 20.02.2018. Though the crime was registered under various other provisions, no specific overt acts to the petitioner were attributed. Hence, I find it is a fit case to enlarge the petitioner on bail.

In the result, the criminal petition is allowed and the petitioner/A33 shall be enlarged on bail on 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 Judicial Magistrate of First Class, Puttur.

SD/- M. RAMESH BABU
ASSISTANT REGISTRAR

//TRUE COPY//

for ASSISTANT REGISTRAR

To

- 1.The I Additional District and Sessions Judge, Chittoor. ✓
- 2.The Judicial Magistrate of First Class, Puttur, Chittoor District. ✓
- 3.The Station House Officer, Narayanavanam Police Station, Chittoor District.
- 4.The Superintendent, District Jail, Chittoor. -
- 5.Two CCs to the Public Prosecutor(AP), High Court at Hyd.(OUT) ✓
- 6.One CC to Sri Nageshwara Rao Pappu, Advocate(OPUC) ✓
- 7.One spare copy. ✓

TKK

HIGH COURT

MSMJ

DT.12-04-2018.

BAIL ORDER

CRL.P.No. 4056 of 2018

RELEASE THE PETITIONER
ON BAIL



Handwritten signature 'S1' inside a circle, with a checkmark to its left.