

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

TUESDAY, THE SECOND DAY OF JANUARY,
TWO THOUSAND AND EIGHTEEN
: PRESENT:

THE HON'BLE DR JUSTICE **SHAMEEM AKTHER**

CRIMINAL PETITION No. 12560 of 2017

Between:

1. Korra Kamala, W/o. Hilamdhar
2. Vemula Radha, W/o. Kanna BABu
3. Korra Chandrakala, W/o. Bheemudu
4. Pongi Gopi, S/o. Sonnu

Petitioners/Accused 1 to 4

AND

The State of A.P., rep .by the Public Prosecutor, High Court at Hyderabad, through
Station House Officer, Prohibition & Excise Police Station, Bhavanipuram, Vijayawada,
Krishna District.

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 petitioners on Regular Bail to the petitioners/accused 1 to 4 in NSC.No. 176 of 2017 on the file of Metropolitan Sessions Judge cum Judge for trial of NDPS Act Cases at Vijayawada, Krishna District in Crime No. 86/2017 of Prohibition & Excises Police Station, Bhavanipuram, Vijayawada, Krishna District.

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

ORDER:

“ This petition is filed under Section 439 Cr.P.C. to grant bail to the petitioners-A1 to A4 for the offence alleged under Section 8 (c) r/w 20 (b) (ii) (c) of N.D.P.S. Act, 1985.

2. Heard learned counsel for the petitioners-A1 to A4, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners-A1 to A4 would submit that the petitioners-A1 to A4 are innocent persons and falsely implicated in this case. As per the prosecution case, 67.2 Kgs of ganja was seized from the possession of the petitioners-A1 to A4 being transported in five bags. As per the case of the prosecution, the petitioners-A1 to A4 were transporting commercial quantity of ganja. The earlier bail application filed by the petitoniers-A1 to A4 was dismissed on the ground that the ganja seized from the possession of the petitioners-A1 to A4 was commercial quantity. Another bail application was dismissed at the crime stage. In the charge sheet as well as in the alleged seizure and recovery panchanama, there is specific mention that the petitioners-A1 to A3 were carrying one bag each. The petitioner-A4 was carrying two bags. When the bags were weighed, the quantity of ganja was less than 20 Kgs. The petitioners-A1 to A4 were remanded to judicial custody on 05.07.2017 and ultimately, prayed to allow the application.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioners-A1 to A4.

5. As per the panchanama, dated 05.07.2017 and the charge sheet filed in this case on 04.12.2017, the details of seizure of ganja is mentioned, which is as under:

S.No.	Luggage bag details	No. of Ganja Packets in the bag	Quantity of each Ganja packet	Total quantity of Dry Ganja
1 (A1)	Grey colour bag	9 x	2.2 Kgs	19.8 Kgs
2 (A2)	Brown colour bag	5 x 3 x	2.2 Kgs 2.0 Kgs	11 Kgs 6 Kgs
3 (A3)	Red colour bag	6 x	2.0 Kgs	12 Kgs
4 (A4)	Maroon colour bag	2 x 4 x	2.0 Kgs 1.8 Kgs	4 Kgs 7.2 Kgs
5 (A4)	Black colour bag	4 x	1.8 Kgs	7.2 Kgs
	Total quantity	33 packets		67.2 Kgs

The specific allegation against the petitioner-A1 to A4 is that they were carrying bags containing ganja at Railway Station, Vijayawada and were apprehended. Altogether 67.2 Kgs of ganja was seized from their possession. As seen from the alleged confession and seizure panchanama and also charge sheet, a grey colour bag containing 19.8 Kgs of ganja was seized from the possession of A1, one brown colour bag containing 17 Kgs of ganja was seized from the possession of A2, one red colour bag containing 12 Kgs of ganja was seized from the possession of A3 and two bags (one maroon colour and one black colour) containing 7.2 Kgs + 7.2 kgs, total 14.4 Kgs of ganja was seized from the possession of A4. Whether the quantity of ganja seized from the possession of the petitioners-A1 to A4 is a commercial quantity or not is required to be adjudicated after due trial. As per the prosecution case, the petitioners-A1 to A4 were carrying different quantity of ganja. At this stage, it cannot be said that the petitioners-A1 to A4 were carrying commercial quantity of ganja. Since the charge sheet is already filed, the petitioners-A1 to A4 are required to prepare for their defence. Further, the petitioners-A1 to A3 are women

6. Having regard to the nature of allegations and the material collected so far, the petitioners-A1 to A4 can be granted bail under Section 439 Cr.P.C..

7. In the result, the petitioners-A1 to A4 are ordered to be released on bail on each of them executing a personal bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties each in a like sum to the satisfaction of 1st Metropolitan Magistrate, Vijayawada. On release, the petitioners-A1 to A4 shall attend before the S.H.O. concerned on every Sunday between 8.00 A.M. and 10.00 A.M. for a period of three months from the date of this order.

8. Accordingly, the Criminal Petition is allowed.”

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Metropolitan Sessions Judge at Vijayawada, Krishna District.
2. The 1st Metropolitan Magistrate, Vijayawada, Krishna District.
3. The Superintendent, Central Jail Rajahmundry, E.G.District.
4. The SHO, Prohibition & Excises Police Station, Bhavanipuram, Vijayawada, Krishna District.
5. Two CCs to the Public Prosecutor (AP), High Court, Hyd(OUT)
6. One CC to Sri Sravan Kumar Naidana, Advocate(OPUC)
7. One spare copy.

SAH

HIGH COURT

Dr.SAJ

DATED: 02-01-2018

ORDER

CRL.P.NO. 12560 OF 2017

BAIL GRANTED



DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 03-01-2018

HIGH COURT

Dr.SAJ



DATED: 02-01-2018

ORDER

CRL.P.NO. 12560 OF 2017

BAIL GRANTED