

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

MONDAY, THE TWENTY SECOND DAY OF JANUARY
TWO THOUSAND AND EIGHTEEN
PRESENT

THE HON'BLE SMT. JUSTICE T.RAJANI

CRIMINAL PETITION NO: 12891 OF 2017

Between:

1. Rimalla Siva Prasad, S/o Gopala Rao, aged 23 years, R/o Jarila Village, Gudem Kotha Veedhi Mandal, Visakhapatnam District.
2. Venthala Sivaji, W/o Modhunu, aged 27 years, R/o Mallavaram Village, Chintapalli Mandal, Visakhapatnam District.
3. Vanthal Ramudu, S/o Rambabu, aged 19 years, R/o Mallavaram Village, Chintapalli Mandal, Visakhapatnam District.
4. Matham Babu Rao, S/o Satyanarayana, aged 26 years, Kandulagadi Village, Chintapalli Mandal, Visakhapatnam District.
5. Shaik Ananda Rao, S/o Late Hussain Saheb, aged 32 years, R/o Dudekula Ramalayam Street, Chintapalli Mandal, Visakhapatnam District.
6. Venthala Srinu, S/o Matyaraju, aged 23 years, R/o Mallavaram Village, Chintapalli Mandal, Visakhapatnam District.

.....Petitioners/Accused 3 to 7 & 9

AND

State of Andhra Pradesh, rep. by its Public Prosecutor, High Court of Judicature, at Hyderabad, for the State of Telangana and the State of Andhra Pradesh, 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 grant regular bail to the petitioners in connection with Crime No. 99 of 2017 of Gandepalli Police Station, in the interests of justice.

Counsel for the Petitioners : SRI NIMMAGADDA SATYANARAYANA

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 to 7 and 9, in Crime No.99 of 2017 on the file of Gandepalli Police Station, East Godavari district.

2. The offences alleged are under Section 8(c) R/w.20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘the 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 20 K.Gs. of ganja was allegedly seized from each of the two accused together, who are involved in this offence, and that it cannot be termed as '*commercial quantity*' in terms of Section 2(7)(a) of the Act; wherein the commercial quantity is defined as a quantity which is greater than the quantity specified by the Central Government in the official gazette. Here, the quantity is 20 K.Gs., according to the petitioners counsel.

5. The learned Public Prosecutor contends that in total 80 K.Gs of ganja was seized from the possession of accused Nos.1 and 2 and they took the help of other accused in transporting ganja. Hence, possession with regard to the other accused has also to be taken as 80 K.Gs. But, this Court is not in agreement with the said contention, as the petitioners, who are accused Nos.3 to 7 and 9 were only engaged by accused Nos.1 and 2 for transporting ganja, which was allotted to them, which is only 20 K.Gs.

6. Hence, in view of the above, and more so that the petitioners are in jail since 25.06.2017, this Court considers that this is a fit case for grant of bail to the petitioners. Accordingly, the Criminal Petition is allowed. The petitioner/accused Nos.3 to 7 and 9 are directed to be enlarged on bail, on condition of each of their 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 Magistrate of First Class, Peddapuram, East Godavari district.

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

//TRUE COPY//

ASSISTANT REGISTRAR

for ASSISTANT REGISTRAR

To,

1. The I Addl. District and Sessions Judge, East Godavari District.
2. The Addl. Judicial Magistrate of First Class, Peddapuram, East Godavari District.
3. The Station House Officer, Gandepalli Police Station, East Godavari District.
4. The Superintendent, Central Prison, Rajamahendravaram, East Godavari District.
5. Two CCs to Public Prosecutor, (AP), High Court of Judicature, at Hyderabad (OUT)
6. One CC to Sri Nimmagadda Satyanarayana, Advocate (OPUC)
7. one Spare Copy



HIGH COURT

Ab
Drafted on 23-1-2018

TRJ

DATE: 22-1-2018



ORDER

CRL.P. NO. 12891 OF 2017

BAIL