

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

THURSDAY, THE EIGHTEENTH DAY OF JANUARY,
TWO THOUSAND AND EIGHTEEN

PRESENT
THE HON'BLE SMT JUSTICE T. RAJANI

CRIMINAL PETITION NO: 12789 OF 2017

Between:

1. Jitendra Yadav, S/o Bharmaraj
2. Asha Devi, W/o Bharat Chawan

.....Petitioners/Accused Nos 1 & 5

AND

The 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

.....Respondents/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 petitioners/accused Nos 1 and 5 on Regular Bail in SC No. 144 of 2017 on the file of the Metropolitan Sessions Judge, Vijayawada, Krishna District and release the petitioner/accused Nos 1 and 5 on such terms and conditions.

The Appeal/petition coming on for hearing, upon perusing the Petition and memo of grounds filed herein, and upon hearing the arguments of T R K S Srinivas, Advocate for the Petitioners, and of Public Prosecutor (AP) for Respondent, the Court made the following.

ORDER:

This Criminal Petition is filed seeking for grant of bail to the petitioners, who are accused Nos.1 and 5 in Sessions Case No.144 of 2017 on the file of Metropolitan Sessions Judge, Vijayawada, Krishna district.

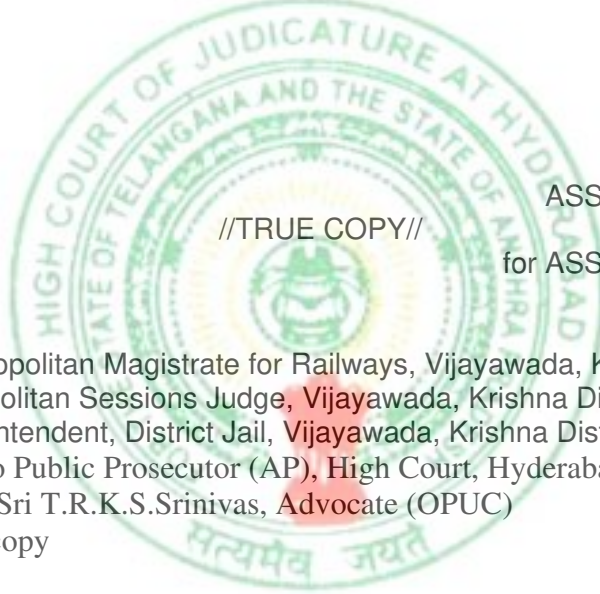
2. The offences alleged are under Section 8(c) R/w.20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

4. As per the case of prosecution, the contraband seized from each of the petitioners is 10 K.Gs., which is less than the commercial quantity. It is also submitted that accused No.4 was already enlarged on bail, and that these petitioners stand on the same footing. Learned Public Prosecutor also does not refute the said contention.

5. Hence, considering the said fact, the Criminal Petition is allowed. Accordingly, the petitioners/accused Nos.1 and 5 are directed to be enlarged on bail, on condition 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 II Metropolitan Magistrate for Railways, Vijayawada, Krishna district. However, considering the contention of learned Public Prosecutor that the petitioners/A.1 and A.5 hail from Bihar, one surety of the petitioners shall be that of the blood relative or a Government employee having immovable property in their native village.

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



ASSISTANT REGISTRAR
for ASSISTANT REGISTRAR

To,

1. The II Metropolitan Magistrate for Railways, Vijayawada, Krishna District
2. The Metropolitan Sessions Judge, Vijayawada, Krishna District
3. The Superintendent, District Jail, Vijayawada, Krishna District
4. Two CCs to Public Prosecutor (AP), High Court, Hyderabad (OUT)
5. One CC to Sri T.R.K.S.Srinivas, Advocate (OPUC)
6. One spare copy

Skm

HIGH COURT

TR,J

Drafted by: skm
Drafted on: 19-01-2018

DATE: 18-01-2018

ORDER

CRL.P. No. 12789 of 2017

DIRECTION

