

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE 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. 24787 of 2017

Between:

Waheed Khan @ Muskin Khan, S/o. Hameed Khan

Petitioner

(Accused No.6 in Cr.No.345/2017
of Patamata P.S., Vijayawada City)

AND

The State of Andhra Pradesh, rep by its Public Prosecutor, High Court at Hyderabad.
Respondent/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 direct the respondent to enlarge the petitioner on bail in SC.No. 158/2017 in Crime No. 345 of 2017 dated. 27-05-2017 on the file of SHO, Patamata P.S., Vijayawada City.

The Petition coming on for hearing, upon perusing the petition and the grounds filed herein and upon hearing the arguments of Sri M.R.L.Narasimha Rao, Advocate for the Petitioner and of the Public Prosecutor (AP) for the Respondent, the Court made the following

ORDER:

“ This Criminal Petition is filed seeking for grant of bail to the petitioner, who is accused No.6 in Sessions Case No. 158 of 2017 on the file of I Additional District and 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 (for short, 'the Act').

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

4. Learned counsel for the petitioner submits that accused No.4 in this case was already enlarged on bail by virtue of the orders of the learned Metropolitan Sessions Judge at Vijayawada in CrI.M.P.No. 114 of 2017. A copy of the order is also furnished, wherein, the Court below, while though, considering that the quantity involved is 120 K.Gs of ganza, granted bail to accused No.4, considering that he is only a driver.

5. The learned Public Prosecutor on the other hand submits that the bail application filed by the petitioner herein was dismissed by this Court by virtue of the orders in Criminal Petition No. 11652 of 2017. A perusal of the order shows that the fact of accused No.4 being granted bail was not brought to the notice of the Court. Hence, when an accused who stands on the same footing as that of the petitioner is enlarged on bail, the same benefit shall be extended to this petitioner also. The prosecution does not seem to have carried the order for further consideration, in which bail was granted to accused No.4.

6. Hence, considering the above, the Criminal Petition is allowed. Accordingly, the petitioner/accused No.6 is directed to be enlarged on bail, on condition of 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 the Metropolitan Sessions Judge-cum-Special Judge for trial of N.D.P.S. Act cases at Vijayawada.

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

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The I Additional District and Sessions Judge, Vijayawada, Krishna District.
2. The Metropolitan Sessions Judge-cum-Special Judge for trial of NDPS Act Cases at Vijayawada, Krishna District.
3. The Superintendent, District Jail at Vijayawada, Krishna District, A.P.
4. The SHO, Patamata Police Station, Vijayawada City, Krishna District.
5. Two CCs to the Public Prosecutor (AP), High Court, Hyd(OUT)
6. One CC to Sri M.R.L.Narasimha Rao, Advocate(OPUC)
7. One spare copy.

SAH



HIGH COURT

TRJ

DATED: 18-01-2018

ORDER

CRL.P.NO. 24787 OF 2017

BAIL GRANTED



DRAFTED BY: SAH
APPROVED BY:
DRAFTED ON: 19-01-2018

HIGH COURT

TRJ



DATED: 18-01-2018

ORDER

CRL.P.NO. 24787 OF 2017

BAIL GRANTED