

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE THIRTY FIRST DAY OF DECEMBER

TWO THOUSAND AND NINETEEN

:PRESENT:
THE HONOURABLE JUSTICE G SRI DEVI
CRIMINAL PETITION NO: 8426 OF 2019

Between:

Karnam Laxmaiah, S/o. Jeeya, Aged about 29 years, Occ. Agriculture,

Petitioner/Accused-1

AND

The State of Telangana, represented by its Public Prosecutor High Court for the State of Telangana at Hyderabad.

Respondent/Complainant

Petition under Section 437 and 439 of Cr.P.C, praying that in the circumstances stated in the memo of grounds filed in the Criminal Petition, the High Court may be pleased to release the petitioner on bail in Crime No.248 of 2019 on the file of Burgampahad Police Station, Bhadrachalam Kothagudem District.

The petition coming on for hearing, upon perusing the Petition and memo of grounds filed in Cr.P. and the order of the High Court made herein and upon hearing the arguments of SRI A PRABHAKAR RAO Advocate for the Petitioner, and PUBLIC PROSECUTOR (TG) Advocate for the Respondent, the Court made the following.

ORDER:-

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.8426 of 2019

ORDER:

This Criminal Petition, under Sections 437 and 439 Cr.P.C., is filed by the petitioner/accused No.1 seeking to enlarge him on bail in Crime No.248 of 2019 on the file of Burgampahad Police Station, Bhadradri-Kothagudem District, registered for the offence punishable under Section 8(c) read with Section 20(b) of Narcotic Drugs and Psychotropic Substances Act.

2. The brief facts of the case are that on 22.10.2019 in the morning hours, the Sub-Inspector of Police, Burgampahad along with his staff, while conducting vehicle checking at Manugur Cross Road, Burgampahad, stopped one Motor cycle and one auto following the said motor cycle and found the accused in possession of ganja and transporting the same for wrongful gain and seized 55 kgs of ganja from the possession of accused Nos.1 to 3 under the cover of panchanama before the mediators. Basing on the confession and seizure panchanama, the Assistant Sub-Inspector of Police, Burgampahad Police Station, registered a case in Crime No.248 of 2019 and took up investigation. Later, Inspector of Police, Paloncha, took up further investigation, visited the scene of offence and on 22.10.2019 arrested accused Nos.1 to 3 and remanded them to judicial custody.

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

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution much less the offence with which he was charged; that he has nothing to do with the seizure of ganja from the auto and no ganja was seized from the possession of the petitioner; that he was implicated in the above crime on the basis of the confession of the co-accused; that the Police has already completed investigation and examined all the material witnesses; that the petitioner is having fixed abode and he undertakes to cooperate with the Police till conclusion of the trial; and that the petitioner is ready to abide by any conditions imposed by this Court while granting him bail.

5. Learned Additional Public Prosecutor opposed to grant bail to the petitioner.

6. Looking into the nature of allegations levelled against the petitioner, the facts and circumstances of the case, without delving into the merits of the case, I am inclined to release the petitioner on bail on his furnishing a personal bond to the tune of Rs.15,000/- (Rupees Fifteen thousand only) with two sureties to the like amount each to the satisfaction of the learned I Additional Sessions Judge, Khammam and that one of the sureties shall be from the native place of the petitioner. The petitioner shall not tamper with the prosecution witnesses and shall co-operate with the investigating

agency and he shall not misuse the liberty granted to him. The petitioner shall appear before the Court concerned on every date of hearing.

7. Subject to the above, the Criminal Petition is allowed.
8. Miscellaneous petitions, if any pending in this criminal petition, shall stand closed.

//TRUE COPY//

SD/- CH. VENKATESHWAR
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The I Addl. Sessions Judge, Khammam.
 2. The Judicial First Class Magistrate at Bhadrachalam.
 3. The Superintendent, District Jail, Khammam.
 4. The Station House Officer, Burgampahad Police Station, Bhadradi Kothagudem District.
 5. One CC to SRI. A PRABHAKAR RAO Advocate [OPUC]
 6. Two C.Cs. to PUBLIC PROSECUTOR (TG), High Court for the state of Telangana at Hyderabad. (OUT).
 7. One spare copy.
- AGS

HIGH COURT

GSDJ

DATED:31/12/2019

ORDER

CRLP.No.8426 of 2019

BAIL

