

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY**

**:PRESENT:
THE HON'BLE JUSTICE G.SRI DEVI**

CRIMINAL PETITION NO: 1323 OF 2020

Between:

Nallapu Shivaji, S/o Chandar Rao,

Petitioner/Accused

AND

The State of Telangana, through Public Prosecutor, High Court for the State of Telangana at Hyderabad, Hyderabad.

Respondent/Complainant

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 enlarge the Petitioner/Accused on Bail in connection with Cr. No. 32/2020 on the file of P.S. Peddapalli under Section 8 (c), R/w 20 (b) (i) of NDPS Act, 1985;

Counsel for the Petitioner : SRI G.RAJESHWAR REDDY

Counsel for the Respondent : ADDL. PUBLIC PROSECUTOR

The Court made the following;

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.1323 of 2020

ORDER:

The petitioner-accused filed the present application under Sections 437 and 439 of the Code of Criminal Procedure, seeking to grant bail to him in Cr.No.32 of 2020 on the file of Peddapalli Police Station, Peddapalli District, registered for the offence under Section 8(c) read with Section 20(b) (i) of NDPS Act.

2. The case of the prosecution is that on 26.01.2020 at 17 hours, on reliable information, the Sub-Inspector of Police, Peddapalli Police Station rushed to Railway Station, Peddapalli and apprehended the accused who was in possession of ganja in a bag and during interrogation, the voluntarily confessed that he purchased ganja leaves, flowers and seeds from unknown person of Kolamnoor of Odissa State and came to Peddapalli for selling the same and earn money and that on the basis of the said confession, one packet of ganja leaves, flowers and seeds weighing 5 kgs was recovered from him..

3. Learned counsel for the petitioner submitted that the petitioner never gave confession as alleged by the prosecution and the same is invented for the purpose of Remand Case Diary only; that the petitioner hails from a respectable family and is a law abiding citizen and is ready to face the trial to prove his innocence; that major investigation is completed by the Police. Learned counsel further submitted that the petitioner is ready to abide by any conditions

that may be imposed by this Court in the event of his enlargement on bail.

4. Learned Additional Public Prosecutor vehemently opposed to grant bail to the petitioner.

5. Looking into the nature of allegations levelled against the petitioner/accused and as the alleged ganja recovered from the possession of the petitioner is much less than the commercial quantity, I am inclined to grant bail to him on certain terms and conditions.

6. The Criminal Petition is allowed and the petitioner-accused shall be released on bail on the following conditions:

- (i) That each of the petitioners shall execute a personal bond for a sum of Rs.15,000/-(Rupees Fifteen thousand only) with two sureties for a like sum each to the satisfaction of the learned Judicial First Class Magistrate, Peddapalli.
- (ii) that the petitioner shall not indulge in any similar type of activities in future;
- (iii) that the petitioner shall not tamper with the prosecution witnesses;
- (iv) that the petitioner shall co-operate with the investigating agency.
- (v) that the petitioner shall not misuse the liberty granted to him.

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

//TRUE COPY//

Sd/- M. MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The I Addl. Sessions Judge, Karimnagar.
2. The Judicial First Class Magistrate, Peddapalli, Karimnagar District.
3. The Station House Officer, Peddapalli Police Station, Peddapalli.
4. The Superintendent, District Jail, Karimnagar, Karimnagar District.
5. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
6. one CC to Sri G.Rajeshwar Reddy, Advocate (OPUC)
7. one Spare copy

HIGH COURT

GSD,J

DATE: 03-3-2020

ORDER

CRL.P. NO. 1323 OF 2020

BAIL



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