

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

FRIDAY, THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY

:PRESENT:
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION NO: 1890 OF 2020

Between:

Thodam Srinu @ Srinivas, S/o. Seetharamaiah,

Petitioner/Accused No.1

AND

The State of Telangana, through S.H.O. Mahabubabad Rural P.S., Rep. by the Public Prosecutor,
High Court of Telangana, at Hyderabad,

Respondent

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the petition and the grounds filed therein, the High Court may be pleased to enlarge the petitioner on bail in Crime No. 17 of 2020, PS Mahabubabad Rural dated 05.03.2020;

This petition coming on for hearing, upon perusing the petition and the grounds filed therein, and upon hearing the arguments of Sri T.Sujan Kumar Reddy, Advocate for the Petitioner and of the Public Prosecutor on behalf of the Respondent, the Court made the following.

ORDER:

"This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/accused No.1 for grant of bail in Crime No.17 of 2020 of Mahabubabad Rural Police Station, Mahabubabad, registered for the offence punishable under Section 8(c) r/w 20 of NDPS Act.

2. Heard the learned counsel for the petitioner/accused No.1, the learned Public Prosecutor for the respondent/State and perused the record.

3. Learned counsel for the petitioner/A.1 would submit that the petitioner/A.1 did not transport or possess any ganja as alleged by the prosecution. The petitioner is permanent resident of Andhra Pradesh and ready to furnish the required sureties for his release on bail and ultimately prayed to allow the application as prayed for.

4. On the other hand, learned Public Prosecutor opposed the grant of bail to the petitioner/A.1 and contended that huge quantity (more than commercial quantity) of ganja was seized from the possession of A.1 as well A.2. There is a bar to grant bail under Section 37 of NDPS Act and ultimately prayed to dismiss the bail application.

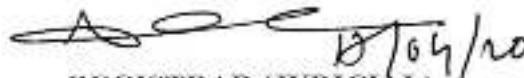
5. It is evident from the material placed on record that on 17.01.2020, the petitioner/A.1 and also A.2 were found possessing 61 kgs of ganja, which was kept in 3 bags. The bags were opened and ganja was seized in the presence of Tahsildar and other witnesses under a cover of panchanama on that day at Muthyalammagudem X roads. Samples were drawn weighing 150 grams each in the course of seizure of ganja. Other materials such as cell phones were also seized from the possession of petitioner/A.1 and also A.2. There is also record to show that both A.1 and A.2 purchased ganja for Rs.1000/- per kg and wanted to sell it on higher price in order to enrich illegally. The quantity of ganja seized from the possession of petitioner/A.1 is more than commercial quantity. The allegations are grave and specific against the petitioner/A.1. It is difficult to hold that the petitioner/A.1 is innocent and he will not repeat similar type of offences in future. There is also bar under Section 37 of NDPS Act, which operates against the petitioner/A.1. Under these circumstances, it is not a fit case to enlarge the petitioner on bail. This petition is devoid of merits and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed."

Sd/- Dr. JUSTICE SHAMEEM AKTHER

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REGISTRAR (JUDICIAL)


SECTION OFFICER

To,

1. The Special Sessions Judge for NDPS Cases – Cum – I Additional Sessions Judge, Warangal
2. The Station House Officer, PS Mahabubabad Rural, Warangal District.
3. The Superintendent, Central Prison, Warangal
4. Two CCs to Public Prosecutor, High Court of Telangana, at Hyderabad (OUT)
5. One CC to Sri T. Sujan Kumar Reddy, Advocate (OPUC)
6. Two CD Copies

HIGH COURT

Dr.SAJ

DATE: 17-4-2020

ORDER

CRL.P. NO. 1890 OF 2020

DISMISSING THE CRIMINAL PETITION

