

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

MONDAY, THE FIFTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

**THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI
CRIMINAL PETITION NO: 8090 OF 2021**

Between:

Amba Swamy, S/o M.Shivaiah

Petitioner/Accused No.2

AND

The State of Telangana, Rep its Public Prosecutor High Court of
Telangana at Hyderabad.

Respondent/Complainant

Petition under Section 438 of Cr.P.C, praying that in the
circumstances stated in the grounds filed in the Criminal Petition,
the High Court may be pleased to enlarge the petitioners/Accused
No.2 on Bail in the event of their arrest in COR. NO.123 OF 2021,
dated 27/10/2021 of PROHIBITION and EXICE P.S.GADWAL
Jogulamba Gadwal district

The petition coming on for hearing, upon perusing the
Petition and the grounds filed in support thereof and upon
hearing the arguments of SRI G RAJESHWAR RAO Advocate for
the Petitioner and Assistant Public Prosecutor for the Sole
Respondent and the Court made the following.

ORDER

CRIMINAL PETITION No.8090 of 2021

ORDER :

This Criminal Petition under Section 438 Cr.P.C., is filed by the petitioner/accused No.2 seeking anticipatory bail in the event of his arrest in COR No.123 of 2021 dated 27-10-2021 of Prohibition and Excise P.S. Gadwal Jogulamba Gadwal District for the offences punishable under Sections 8(b) read with Section 2(a) 20(b) (i) of NDPS Act 1985.

The brief facts of the case are that the petitioner and his son is having land in Survey No.16, 16/3 to an extent of Ac.4-00 guntas at Devabanda Village Ieeja Mandal and the petitioner by profession is Pujari and further the land was given for lease for a period of 4 years to accused No.1 on 5-6-2018 and the petitioner is in no way concerned about cultivation of Ganja as alleged by the police.

Heard learned counsel for the petitioner as well as the learned Assistant Public Prosecutor appearing for respondent/State. Perused the material on record.

Learned counsel for the petitioner submits that the petitioner is alleged to have committed the offences under Sections 8(b) read with Section 2(a) 20(b) (i) of NDPS Act 1985. He submits that A-1, who is the lessee of the petitioner, has taken the land of the petitioner on lease and he was found to have cultivating Ganja in the said land and a crime was registered against him. Learned counsel for the petitioner submits that the petitioner has no knowledge about such cultivation and he is the owner of the said land and he has been falsely implicated in the present case. Even in the panchanama also it is categorically mentioned that the

land was taken on lease from the petitioner. He submits that the petitioner has no connection with the alleged offence and hence the petitioner may be granted pre-arrest bail.

On the other hand, the learned Assistant Public Prosecutor submits that since the offence is under Sections 8(b) read with Section 2(a) 20(b) (i) of NDPS Act 1985, the petitioner is not entitled for anticipatory bail and hence the criminal petition may be dismissed.

Generally, this Court will not entertain petitions seeking pre-arrest bail as there are stringent conditions provided under the NDPS Act for grant of bail. However, in this case, particularly taking into consideration the allegations that A-1 has taken the land of the petitioner on lease and cultivating Ganja, it is nobody's case that the petitioner has knowledge about cultivation of Ganja by A-1.

In that view of the matter, this Court deems it appropriate to grant anticipatory bail to the petitioner/accused No.2.

Accordingly, this Criminal Petition is allowed and the petitioner/A-2 shall be enlarged on bail in the event of his arrest in connection with COR No.123 of 2021 dated 27-10-2021 of Prohibition and Excise P.S. Gadwal Jogulamba Gadwal District on his executing a 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 Station House Officer, Prohibition and Excise P.S. Gadwal Jogulamba Gadwal District.

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

SD/- K. SHYLESI
Assistant Registrar

//TRUE COPY//

SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Gadwal.
2. The Station House Officer, Prohibition and Excise Police Station, Gadwal
Jogulamba Gadwal District.
3. One CC to SRI. G RAJESHWAR RAO Advocate [OPUC]
4. Two CCs to PUBLIC PROSECUTOR, High Court at Hyderabad. [OUT]
5. One Spare Copy

HIGH COURT

LKJ

DATED:15/11/2021

ORDER

CRLP.No.8090 of 2021

BAIL

