

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

**THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION NO: 5942 OF 2022

Between:

Gattu Sammaiah @ sampath, S/o Odelu Aged about 49 years, Occupation. Cab Driver R/o Bolligudem Village, Bouduppall Village, Medipalli Mandal, Medchal District, N/o H.No. 2-73, Reddpally Village, Veenavanka Mandal, District Karimnagar.

...PETITIONER/ACCUSED

AND

1. The State Of Telangana, Rep. by its Public Prosecutor, High Court of Telangana, at Hyderabad.
2. The Inspector of Police, Keesara Police Station, Rachakonda District

...RESPONDENT/COMPLAINANTS

Petition under Section 439 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to enlarge the Petitioner/A-4 on bail in the F.I.R. No. 270 of 2022 lodged by the Inspector of Police Keesara POLICE STATION in the Court of Honble XXXIII Addl. Metropolitan Magistrate at Malkajgiri, Cyberabad for the offences punishable U/s.20(b)(ii)(c) of NDPS Act on such terms and conditions as it may deem fit in the interest of justice.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri H C UPADHYAY ,Advocate for the Petitioner and the Public Prosecutor (TG/AP) on behalf of the Respondents.

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.5942 OF 2022****ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner who is arrayed as Accused No.4 in Crime No.270 of 2022 on the file of Station House Officer, Keesara Police Station, Rachakonda registered for the offence punishable under Section 20(b)(ii)(C) of NDPS.

2. Heard learned counsel for the petitioner/Accused No.4 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that on 24.04.2022 when the Keesara police found a car being driven by this petitioner containing 39 packets of ganja, total weighing about 78 kgs, was seized. On the very same day, the police had prepared panchanama and also seized the said 39 packets of ganja from the possession of accused. From the preliminary investigation conducted by the police, it was found that these petitioners were getting ganja from Andhra-Orrissa

border to Zahirabad and while transporting the said ganja they were intercepted and caught. According to the remand case diary, the car was driven by this petitioner and the other accused were also present. It is further mentioned in the remand case diary that these packets were put in the car by Accused Nos.2 to 4. In the said circumstances, it cannot be said that Accused No.4 was not having knowledge about the 39 packets of ganja found in the car.

4. Learned counsel for the petitioner submits that there are discrepancies regarding the seizure of the contraband at one point which shows 39 packets and at another the remand CD shows that 30 packets. Further on the basis of the judgments rendered by the Hon'ble Supreme Court which suggested that video recording of the proceedings give credibility to the case of the prosecution. Further, the Hon'ble Supreme Court also held that in cases where it is first offence, bail could be considered.

5. In the present circumstances, 39 packets of ganja was seized and according to the remand report it was accused No.4 who was driving the car and had knowledge about those packets and transporting the same by shifting from another vehicle.

6. In the said circumstances, I find no reasons to grant bail at this juncture, accordingly, this Criminal Petition is dismissed.

Miscellaneous applications, pending if any, shall stand closed.

SD/-T.KRISHNA KUMAR
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The XXXIII Additional Metrolopitan Magistrate, Cyberabad at Malkajgiri.
2. The Metropolitan Sessions Judge – Cum – First Additional District and Sessions Judge, Ranga Reddy District.
3. The Station House Officer, Keesara Police Station, Rachakonda District.
4. The Superintendent Central Prison, Cherlapally, R.R. District.
5. Two CC to Public Prosecutor, High Court for The State of Telangana at Hyderabad. [OUT]
6. One CC to SRI. H C UPADHYAY Advocate [OPUC]
7. Two CD Copies
8. One spare Copy.

NPJ 

HIGH COURT

DATED:14/07/2022

ORDER

CRLP.No.5942 of 2022



**DISMISSING OF THE CRIMINAL PETITION
WITHOUT COSTS.**

AJM (10)
23/8/2022