

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

**WEDNESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA
CRIMINAL PETITION NO: 10397 OF 2022

Between:

Chakali Venkat Lingam, S/o Venkateshwarlu @ Venkatesham aged about. 21
Yrs, Occ. Business R/o Opp. Mangalya Shopping Mall, Chintal, Shapur,
Cyberabad N/o Bheemavaram Village, Nandyala Mandal, Kurnool District

...Petitioner/Accused No.3

AND

The State of Telangana, rep by its Public Prosecutor, High Court for the State of
Telangana

...Respondent/Complainant

Petition under Section 437 & 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 release the petitioner/Accused on bail pending investigation,
enquiry and trial in to Crime No.205 of 2022 of Nampally Police Station,
Hyderabad 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
JANARDHAN GOUD SUNKARI, Advocate for the Petitioner and of the Additional
Public Prosecutor for the State of Telangana on behalf of the Respondent.

The Court made the following: ORDER

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.10397 OF 2022

ORDER:

Heard Sri Janardhan Goud Sunkari, learned counsel for the petitioner, as well as learned Additional Public Prosecutor, who is representing respondent-State.

2. This criminal petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, to enlarge the petitioner, who is arrayed as Accused No.3, in Crime No.205 of 2022 of Nampally Police Station, Hyderabad, on bail.

3. Learned counsel for the petitioner submits that, as per the version of the prosecution 700 m.l. of Hash oil was only seized from the possession of the petitioner herein, which is less than the commercial quantity, and hence, the petitioner is entitled for grant of bail. Learned counsel also states that the petitioner is in judicial custody since 21.09.2022.

4. On the other hand, the submission of learned Additional Public Prosecutor is that, totally 1,010 m.l. of Hash oil, which exceeds the commercial quantity, and also

Ganja were seized. Learned Additional Public Prosecutor further states that Accused Nos.3 to 8 were found selling Ganja and Hash oil and, therefore, they were apprehended by Police and, thus, the petitioner, who is Accused No.3, is not entitled for bail.

5. The facts of the case, in nut shell, as could be perceived through the contents of Remand Case Diary, are that the petitioner and Accused No.4 are friends. The petitioner has got association with Accused No.1, who used to sell Hash oil at a cheaper price. The petitioner and Accused No.4, who were unable to meet their lavish life expenses, hatched a plan to earn easy money by purchase and sale of Hash oil and Ganja. As per their plan, the petitioner and Accused No.4 went to Paderu, Visakhapatnam District, on 19.09.2022 and both of them met Accused No.1. The petitioner purchased 700 m.l. of Hash oil and Accused No.4 purchased 300 m.l. of Hash oil. Later they stayed at a hotel and they filled Hash oil in small size containers, each consists of 5 m.l.. Accused No.3 filled 140 containers, Accused No.4 filled 62 containers with Hash oil. Transactions went on between Accused

Nos.2, 4 and 5 with regard to purchase of Ganja. Accused Nos.6 to 8 left from Visakhapatnam to Hyderabad with 2000 grams of Ganja. The petitioner and Accused No.4, who reached Hyderabad on 21.09.2022 with Hash oil, waited for Accused Nos.5 to 8. Accused Nos.5 to 8 also reached Hyderabad with Ganja. On receiving credible information, all of them were apprehended and Hash oil and Ganja were seized from their possession.

6. Having regard to the factual scenario projected thus, it cannot be held that the petitioner was in possession of less than commercial quantity of Hash oil. The transaction, as projected by the investigating agency, discloses joint participation of the petitioner and Accused No.4 and they have purchased 1010 m.l. of Hash oil, which exceeds commercial quantity. Therefore, the twin conditions required under Section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985, have to be taken care of.

7. *Prima facie*, grave allegations are directed against the petitioner. The quantity in possession of the petitioner also

exceeds commercial quantity. Therefore, this Court is of the view that the request of the petitioner cannot be honoured.

8. Resultantly, the Criminal Petition is dismissed.

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

//TRUE COPY//

Sd/- T. JAYASREE
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The XII Additional Chief Metropolitan Magistrate, At Hyderabad.
2. The Station House Officer, Police Station Nampally, Hyderabad.
3. Two CCs to Public Prosecutor, High Court for the State of Telangana at Hyderabad (OUT)
4. One CC to SRI. JANARDHAN GOUD SUNKARI, Advocate [OPUC]
5. Two CD Copies

NJB

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HIGH COURT

Dr. CSL,J

DATED:30/11/2022

ORDER

CRLP.No.10397 of 2022



DISMISSING THE CRIMINAL PETITION

Exptd
Sm
10/11/23