

HON'BLE Dr.JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11018 of 2022

ORDER:

1. Heard Sri D.Srinivas, learned counsel who argued on behalf of Sri P.Rohit, learned counsel on record for the petitioner as well as the learned Additional Public Prosecutor who is representing the Respondent-State.
2. This Criminal Petition is filed under Section 438 Cr.P.C. seeking pre-arrest bail. The petitioner is arrayed as Accused No.2 in C.O.R.No.145 of 2022 of Prohibition and Excise Station, Jadcherla.
3. Making his submission, learned counsel for the petitioner contends that the petitioner has not committed any offence whatsoever and only because the petitioner is the land lord of the land over which Ganja plants were found, he was arrayed as accused and police are trying to apprehend him and therefore, the petitioner is before this Court seeking anticipatory bail.
4. On the other hand, the submission of the learned Additional Public Prosecutor is that the petitioner allowed

his land for cultivation of Ganja and thereby, he contravened the provisions of the Narcotic Drugs and Psychotropic Substances Act.

5. As per the material available on record, the case of the prosecution is that the petitioner purchased the agricultural land in question from Accused No.1 and even after purchase, he allowed Accused No.1 to cultivate the land. Accused No.1 has raised cotton crop in the said land. In the said crop, he planted some Ganja plants also and Police visited the said land and found ninety six (96) Ganja plants in the cotton field. No where it is mentioned that the petitioner had got knowledge about the cultivation of the Ganja plants or that he had knowingly allowed Accused No.1 to cultivate the same.

6. Thus, having regard to these facts, this Court is of the view that the request of the petitioner can be honoured, however, conditionally.

7. In the result, the Criminal Petition is allowed with the following conditions:

- (i) The petitioner/Accused No.2 is directed to surrender before the concerned Court within ten (10) days. On such surrender, he shall be enlarged on bail on his executing a personal bond for Rs.1,00,000/- (Rupees One Lakh only) with two sureties for like-sum each to the satisfaction of the Court concerned. The sureties are directed to submit their two latest passport size photographs at the time of furnishing solvency. One such photograph is ordered to be pasted in the Surety Register against the name of the surety. The other photograph shall be kept in the case record concerned.
- (ii) The petitioner/Accused No.2 shall report before the Station House Officer, Prohibition & Excise Station, Jadcherla, on every Monday between 10.30 a.m. and 12:00 p.m. till filing of final report.
- (iii) The petitioner/Accused No.2 should not involve in any unlawful activity.
- (iv) The petitioner/Accused No.2 should afford all assistance for the proper investigation of the case.
- (v) The petitioner/Accused No.2 should not cause the evidence of the offence disappear.

- (vi) The petitioner/Accused No.2 should not tamper with the evidence in any manner.
- (vii) The petitioner/Accused No.2 should not by way of inducement, threat or promise, dissuade any person who is acquainted with the facts of the case, from disclosing such facts to the Court or to the Police Officer.
- (viii) In case the petitioner/Accused No.2 holds a passport, he shall surrender the same.
- (ix) The petitioner/Accused No.2 should ensure his presence whenever required by the Court or Police.
- (x) The petitioner/Accused No.2 shall not leave India without previous permission of the Court concerned.
- (xi) The petitioner/Accused No.2 shall file an affidavit before the Court concerned disclosing the following particulars:-
 - (1) Contact number
 - (2) Mail address
 - (3) Residential particulars.

In case, there is any change of the aforementioned details, the petitioner shall intimate the court concerned by giving a fresh affidavit duly mentioning the change. He shall continue to do so till filing of the final report.

Any deviation of the above conditions would entitle the respondent to take appropriate steps for cancellation of the pre-arrest bail granted.

Dr. JUSTICE CHILLAKUR SUMALATHA

Date:19.12.2022
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HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.11018 of 2022

Date:19.12.2022

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CIVIL REVISION PETITION No.3578 of 2018

27.12.2021

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