

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE DR. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION NO: 1036 OF 2023

Between:

Chakali Venkat Lingam, S/o Venketeshrulu, Age.21 yrs, Occ. Daily Finance,
R/o Opp Mangalya Shopping Mall, Chintal, Shapur, Cyberabad N/o
Bheemavaram (Vil), Nandyala, Kurnool Dist, AP

...PETITIONER/ACCUSED (A3)

AND

State of Telangana, rep. by it s public prosecutor Through PS Nampally 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 enlarge the Petitioner (A3) on Regular bail in
connection with Crime No. 205 of 2022 on the file of PS Nampally, Hyderabad
City.

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri G. S.
SANDEEP, Advocate for the Petitioner and the Public Prosecutor on behalf of
the Respondent.

The Court made the following: ORDER

HON'BLE Dr. JUSTICE CHILLAKUR SUMALATHA

CRIMINAL PETITION No.1036 of 2023

ORDER:

Heard Mr. Karan Singh, learned counsel, who argued on behalf of Sri G.S.Sandeep, learned counsel on record for the petitioner, as well as learned Additional Public Prosecutor who is representing the respondent-State.

2. This Criminal Petition is filed under Section 439 Cr.P.C. seeking the Court 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. Stating that the petitioner was in possession of hash oil which is less than commercial quantity, learned counsel for the petitioner contends that the hash oil seized from the possession of the petitioner is narrated in milliliters and if the same is converted to grams, it would be less than commercial quantity and therefore, the petitioner is entitled for bail.

4. Contradicting the submission thus made, learned Additional Public Prosecutor submits that from the physical possession of the petitioner accused No.3, 140 small bottles each containing 5 ml of hash oil were seized and apart from that, from the possession of accused No.4, who was

accompanying the petitioner, another box containing 62 small bottles each containing 5 ml of hash oil was seized. Learned Additional Public Prosecutor also submits that the petitioner earlier moved two Criminal Petitions and considering all the grounds which were urged in the earlier applications, which are urged in the present Criminal Petition also, those Criminal Petitions were dismissed and thus, the petitioner is not entitled for bail.

5. Law is not as if a person possessing the contraband which is less than commercial quantity is entitled for bail as a matter of right. Having considered the impact of the use of narcotic and psychotropic substances by the public upon the society and the future of the country, the law was made stringent.

6. The case on hand discloses grave allegations against the petitioner and presence of *prima facie* material. Further, this Court does not find any change of circumstances for honouring the request of the petitioner.

7. Resultantly, this Criminal Petition is dismissed.

Sd/- P. GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The XII Additional Chief Metropolitan Magistrate, Nampally at Hyderabad
2. The I Additional Metropolitan Sessions Judge, Hyderabad
3. The Station House Officer, Nampally Police Station, Hyderabad

4. Two CCs to the Public Prosecutor, High court for the State of Telangana at Hyderabad. [OUT]
5. One CC to SRI, G. S. SANDEEP, Advocate [OPUC]
6. Two CD Copies

VH

n

HIGH COURT

Dr. CSL, J

DATED: 20/02/2023



ORDER

CRLP.No.1036 of 2023

DISMISSING THE CRIMINAL PETITION

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RN
9/3/23