

[3311]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY ,THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

CRIMINAL PETITION NO: 1357 OF 2023

Between:

Killo Lokiram @ Lucky, S/o. Athiram, age about 28 Years, Sarayee Jodiguda Village, Kandrum Panchayith, Dumbriguda Mandal, Alluri Seetharamaraju District.

Petitioner/Accused-1

AND

The State of Andhra Pradesh, Rep by its Public Prosecutor, High Court of Judicature of Andhra Pradesh Amaravati.

Respondent/Complainant

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the affidavit filed in support of the CriminalPetition, the High Court may be pleased to release the petitioners/A1 on bail in Cr.No. 372 of 2022 of S Kota Police Station, Vizianagaram District .

COUNSEL FOR THE PETITIONER : SRI KAKUMANU JOJI AMRUTHA RAJU

COUNSEL FOR THE RESPONDENT : ASSISTANT PUBLIC PROSECUTOR

THE COURT MADE THE FOLLOWING ORDER



THE HON'BLE MS JUSTICE B.S.BHANUMATHI**Criminal Petition No.1357 of 2023****ORDER:**

This Criminal Petition is filed by petitioner/A1 under Sections 437 and 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C'), seeking bail in Crime No.372 of 2022 of S.Kota Police Station, Vizianagaram District, registered on 12.11.2022 for the offence punishable under Sections 8(c) r/w 20(b)(ii)(B) of N.D.P.S. Act, 1985.

2. Heard the learned counsel for the petitioner/A1 and the learned Assistant Public Prosecutor representing the respondent/State.

3. The case of the prosecution is that on 12.11.2022, the complainant received credible information about illegal transportation of ganja and thereby took along with him mediators and rushed to RTC complex, S. Kota Village and while conducting vehicle checking, two persons travelling on a motor-cycle were found at a distance and when they tried to flee away on seeing the police, the pillion rider was caught with a packet on ganja whereas the driver of the motor-cycle fled away with the vehicle. The person absconded is shown as A1

and the person nabbed is shown as A2. The present criminal petition is filed by A1 who was subsequently arrested on 28.11.2022. The contraband allegedly seized is weighing 16.5 kgs of ganja.

4. Learned counsel for the petitioner submitted that a false case is foisted against the petitioner and that he is not caught on the spot and he was falsely implicated. He further submitted that A2 was already granted bail on 16.02.2023 vide order passed in Crl.P.No.1018 of 2023.

5. Learned Assistant Public Prosecutor has submitted that charge sheet is not filed.

6. Since the quantity of the contraband is more than small quantity, but less than the commercial quantity and the petitioner has been in Judicial Remand since 28.11.2022, he can be enlarged on bail, however subject to conditions.

7. Accordingly, the Criminal Petition is allowed. The petitioner/A1 (Killo Lokiram @ Lucky, S/o. Athiram) shall be released on bail on his furnishing personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like sum each, to the satisfaction of the learned

Judicial Magistrate of First Class, S. Kota, Vizianagaram District
and subject to complying the following conditions:

(i) The petitioner/A1 is directed to appear before the Station House Officer, S.Kota Police Station, Vizianagaram District, on every Sunday between 10:00 AM and 05:00 P.M. until further orders or till charge sheet is filed whichever is earlier.

(ii) The petitioner/A1 shall make himself available or interrogation by the Investigating Officer or the police officer concerned as and when required.

(iii) The petitioner/A1 shall not directly or indirectly, contact or threaten the witnesses under any circumstances and any such attempt shall be construed as an attempt of influencing the witnesses.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/-B.PRASADA RAO
ASSISTANT REGISTRAR

For ASSISTANT REGISTRAR

To,

1. The Special Judge for trial of cases under NDPS Act-cum-I Additional Sessions Judge, Vizianagaram.
2. Judicial Magistrate of First Class, S.Kota
3. The Superintendent, Sub-Jail (Prison) S.Kota, Vizianagaram District.
4. Station House Officer , S Kota Police Station, Vizianagaram District .
5. One CC to Sri Kakumanu Joji Amrutha Raju Advocate [OPUC]
6. Two CCs to Public Prosecutor, High Court of AP [OUT]
7. One spare copy

HIGH COURT

BSB,J

DATED:28/02/2023

BAIL ORDER

CRLP.No.1357 of 2023

ALLOWED

