

THE HON'BLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.2579 of 2023

ORDER :

This Criminal Petition is filed seeking bail under Section 437 and 439 of the Code of Criminal Procedure, 1973 ('CrPC') to the petitioner/A.1 in Crime No.6 of 2023 of Mandapeta Town Police Station, registered on 04.01.2023 for the offence punishable under Section 8 (C) r/w 20 (b) (ii) (C) of NDPS Act.

2. Heard learned counsel for the petitioner and Sri.Soorav Venkata Sainath, learned Special Assistant Public Prosecutor representing the respondent/State.

3. The case of prosecution is that on 04.01.2023 at 3-00 P.M. opposite old Indian Petrol bunk, near Toll gate, Bypass road, Mandapeta, the Inspector of police I/c Mandapeta Town P.S. arrested A.1 to A.3 along with two CCLs while all of them in possession of a total of 22 kgs of Ganja worth of Rs.45,000/-. It is specifically mentioned that A.1 had 6 kgs, A.2, A3, CCL1 and CCL2 had 4 kgs each in separate polythene covers. The contraband, one motor cycle and three cell phones were seized under a cover of mediators report and A.1 to A.3 were remanded to judicial custody on 04.01.2023 and CCL1 and CCL2 were taken into custody.

4. Learned counsel for the petitioner submitted that the charge sheet is being filed as the investigation is almost

completed and further that the police complained that the petitioner was found in possession of 4 kgs of ganja only which is non commercial quantity, the petitioner may be granted bail. He further submitted that recently the wife of petitioner delivered a child and suffered serious injuries. It is also submitted by him that the Sessions Court granted bail to A.3 on 03.04.2023 in Crl.M.P.No.547 of 2023. It is also submitted that the petitioner has no criminal antecedents.

5. Learned Special Assistant Public Prosecutor submitted that the charge sheet is being filed since the investigation is almost completed. He also submitted that collectively the total amount of contraband involved in the case is 22 kgs.

6. In reply, learned counsel for the petitioner submitted that in the complaint as well as the remand report, separate quantity of contraband in respect of the each accused was recorded and therefore, the contraband cannot be collectively attributed to each accused.

7. Perused the record.

8. Since the investigation is almost completed, though charge sheet is not filed and the petition has not been opposed, except detailing the quantity of contraband involved in this case and also upon considering the submissions made by the petitioner's counsel, and moreover, another accused in the same

crime was enlarged on bail, this Court is of the view that the petitioner can be granted bail.

9. In the result, the petition is allowed. The petitioner/A.1 (Kovvuri Satish Reddy) shall be released on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like amount each, to the satisfaction of the learned Judicial Magistrate of First Class, Alamuru and subject to complying the following conditions:

- i. The petitioner/A.1 (Kovvuri Satish Reddy) shall appear before the Station House Officer, on every Sunday between 10.00 A.M. and 5.00 P.M. starting after of his release until further orders or till charge sheet is filed, whichever is earlier;
- ii. The petitioner/A.1 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Investigating or Police Officer;
- iii. He shall co-operate with the investigation, and shall not tamper the evidence.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE B.S.BHANUMATHI

Date : 28-04-2023

SAB