

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

THURSDAY, THE TWENTIETH DAY OF APRIL,

TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CRIMINAL PETITION NO: 2692 OF 2023



Between:

1. Vaddadi Anil Kumar @ Kappadu, S/o Apparao, 28 yrs, Caste SC-Relli, R/o Simhalademudu, Allipuram, Near Sachivalayam, Visakhapatnam City.
2. Vengada Akshay Kumar @ Paderu, S/o Venkata Ramana, 18 yrs, Caste ST (Valmiki), R/o. Chaluvathota, Allipuram, Visakhapatnam, N/o Srujanakota, Munchuangiputtu, Paderu, Alluri Seetharamaraju City.
3. Vaddadi Vijaya @ Rayapati Vijaya, W/o Vaddadi Anil Kumar, 23 yrs, Caste SC-Relli, R/o Simhalademudu, Allipuram, Near Sachivalayam, Visakhapatnam City.

...Petitioners/A-1 to A-3

AND

The State of Andhra Pradesh, represented by its Public Prosecutor, High Court of Andhra Pradesh at Amaravathi.

...Respondent/Complainant

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to consider the same and release the Petitioners/A-1 to A-3 on bail in Cr.No.35/2022 of II Town Police Station, Visakhapatnam City on such terms and conditions as the Honourable Court deems fit and proper under the light of the circumstances of the case.

The petition coming on for hearing, upon perusing the Petition and the memo of grounds filed in support thereof and upon hearing the arguments of Sri GOLLAPALLI MAHESWARA RAO, Advocate for the Petitioners, Assistant Public Prosecutor for the Respondent and the Court made the following

ORDER:

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.2692 of 2023

Order:

This Criminal Petition, under Sections 437 and 439 of Cr.P.C., has been filed by the petitioners/A1 to A3, seeking regular bail, in Crime No.35 of 2023 of II Town Police Station, Visakhapatnam Commissionerate.

2. A case has been registered against the petitioner and another for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

3. Case of the prosecution, in brief, is that, on 19.02.2023 at about 20.00 hours, on receiving credible information, WSI, II Town Police Station, along with her staff and mediators, conducted raid at Dilapidated Railway Quarters, Allipuram, Visakhapatnam City and found A1 to A3 in possession of 2 Kgs of Ganja. A4 escaped from the scene of offence. The contraband along with other material was seized under the cover of a mediators report and A1 to A3 were arrested and sent to judicial remand.

4. Learned counsel for the petitioners submits that the petitioners were falsely implicated in the present crime. The quantity of Ganja allegedly seized from the possession of the accused is not a commercial quantity. Material part of the investigation is completed.

5. On the contrary, learned Assistant Public Prosecutor opposed the petition on the ground that the investigation is not completed.

6. Heard. Perused the record.

7. The petitioners were arrested and sent to judicial custody on 19.02.2023 and since then they are in jail. The quantity of Ganja allegedly seized from the possession of the accused is 2 Kgs, which does not amount to commercial quantity. In view of the aforesaid facts and circumstances of the case, request of the petitioners can be considered for bail.

8. Accordingly, the Criminal Petition is allowed. The petitioners shall be released on bail on each of them executing a personal bond for Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for the like sum to the satisfaction of the learned Additional Chief Metropolitan Magistrate at Visakhapatnam. The petitioners shall appear before the Station

House Officer, concerned, on every Friday between 10.00 AM
and 1.00 PM till filing of the charge sheet.

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

For /

SECTION OFFICER

To,

1. The Additional Chief Metropolitan Magistrate at Visakhapatnam.
2. The Superintendent, Central Prison, Visakhapatnam City.
3. One CC to SRI. GOLLAPALLI MAHESWARA RAO Advocate [OPUC]
4. Two CCs to Public Prosecutor (AP) High Court of Andhra Pradesh [OUT]
5. **One spare copy**

CVSS

HIGH COURT

SRKJ

DATED:20/04/2023

BAIL ORDER

CRLP.No.2692 of 2023

ALLOWED

