

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: 2694 OF 2023

Between:

1. Sudharsanan M, S/o Mohan, 31 yrs, caste SC, R/o 93/43, Sirmuthusamy memoalam sciai park, Chennai, Tamilnadu State.
2. Rajesh E, S/o Ezhumalai, 31 yrs, R/o 4, Espilaned Salai, Broadway, Chennai, Tamilnadu State.

...Petitioner/A-1 and A-2

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 and A-2 on bail in Cr.No.60/2023 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, in the interest of justice.

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.2694 of 2023

Order:

This Criminal Petition, under Sections 437 and 439 of Cr.P.C., has been filed by the petitioners/A1 & A2, seeking regular bail, in Crime No.60 of 2023 of II Town Police Station, Visakhapatnam Commissionerate.

2. A case has been registered against the petitioners and others 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 25.03.2023 at about 14.00 hours, on receipt of credible information, Sub-Inspector of Police, II Town Police Station, Visakhapatnam City, along with staff accompanied by mediators, rushed to the dilapidated Railway Quarters, Alipuram, Visakhapatnam City and found A1 and A2 while carrying travel bags containing ganja which was packed in 4 packets weighing 1.5 Kg each, in total 6 Kgs. The contraband along with other material was seized under the cover of a mediators report and A1 and A2 were arrested and sent to judicial custody on the even date.

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 25.03.2023 and since then they are in jail. The quantity of Ganja allegedly seized from the possession of the accused is 06 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 II Additional Chief Metropolitan Magistrate,

Visakhapatnam. The petitioners shall appear before the Station House Officer concerned, once in a week i.e., on every Friday between 10.00 AM and 1.00 PM till filing of the charge sheet.

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

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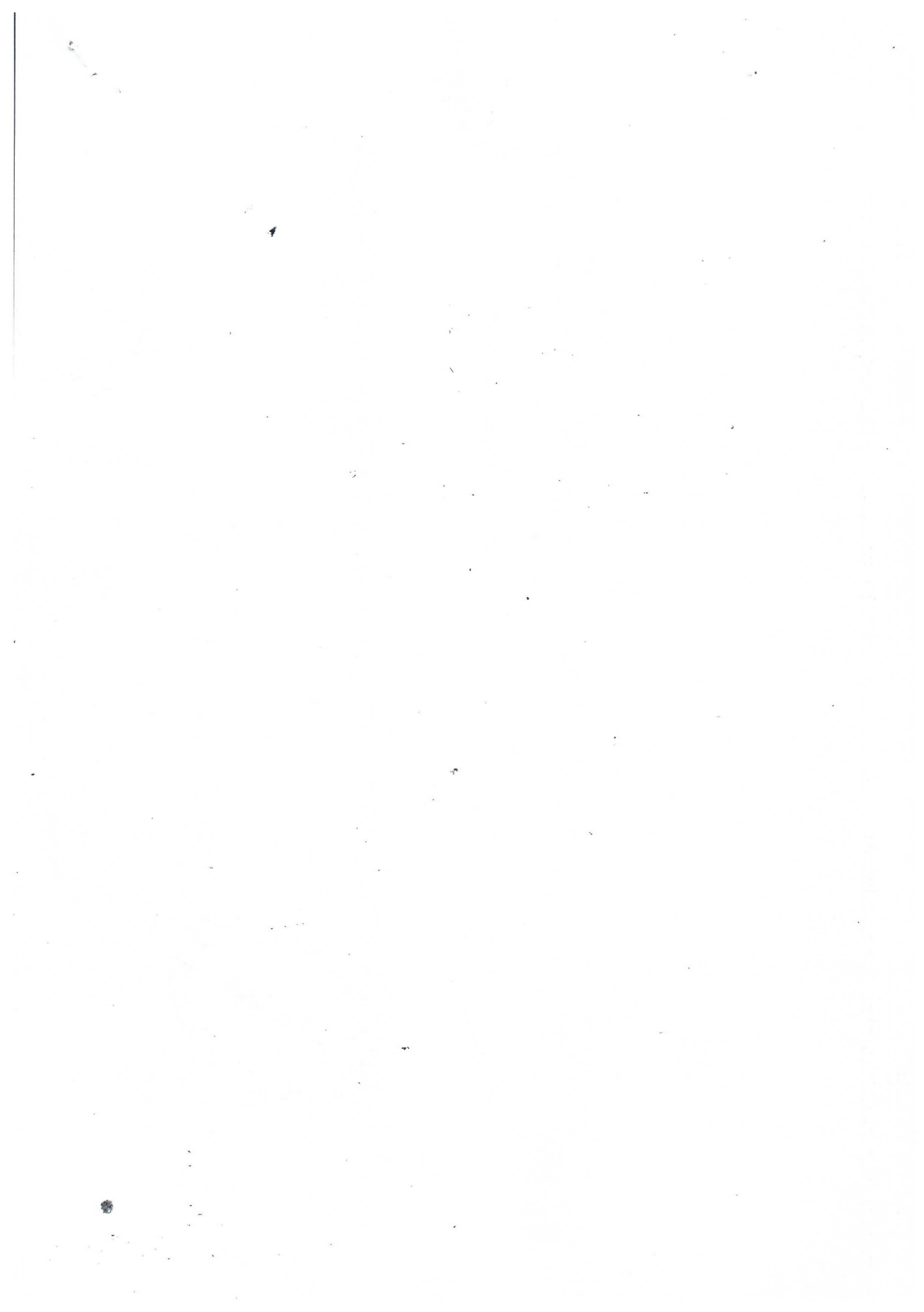
For

SECTION OFFICER

To,

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

CVSS



HIGH COURT

SRKJ

DATED:20/04/2023

BAIL ORDER

CRLP.No.2694 of 2023

ALLOWED

