

THE HON'BLE Ms. JUSTICE B.S.BHANUMATHI

CRIMINAL PETITION No.2893 OF 2023

ORDER:

This Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure, 1973 ('CrPC'), is filed by petitioner/A-3, in Crime No.44 of 2023 on the file of II Town Police Station, Visakhapatnam City, registered for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act').

02. The case of the prosecution is that on 04.03.2023 on receiving information from RTC police staff about transportation of ganja, the SI of police, II town police station, along with staff went to platform No.10, RTC complex, Visakhapatnam city and arrested A.1 and A.2, when they were in possession of ganja, and recorded their confessional statement and seized 8 kgs., of ganja in three brown colour packets in two travel packets, Honor mobile phone from A.1, Oppo android mobile from A.2 and thereafter arrested A.3/ petitioner herein, who gave ganja mall to A.1 and A.2.

03. Heard the leaned counsel for the petitioner and the learned Assistant Public Prosecutor appearing for the respondent/State.

04. Learned counsel for the Petitioner/ A.3 submitted that accused involved in crime relating to the transportation of 8 kgs., of

ganja., was caught by the police on 06.03.2023 and since then he has been in judicial custody and that charge sheet has not been filed.

05. Learned Assistant Public Prosecutor, on written instructions, submitted that the process of filing charge sheet is still in progress.

06. Perused the record.

07. Since the quantity of the contraband involved is more than small quantity and less than commercial quantity and the investigation is not completed within 60 days from the date of taking the petitioner into judicial custody, the petitioner is entitled to bail by default under Section 167 (2) of CrPC read with Sections 36A and 37 of NDPS Act.

08. Accordingly, the criminal petition is allowed. The petitioner/A-3 in Crime No.44 of 2023 on the file of the II Town Police Station, Visakhapatnam City, shall be released on bail on his executing a 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 I Additional Chief Metropolitan Magistrate, Visakhapatnam, subject to complying the following conditions:

- i. The petitioner/A.3 (Korabu Bujji Babu) shall appear before the I Additional Chief Metropolitan Magistrate, Visakhapatnam, once in a week i.e., 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-3 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.

B.S.BHANUMATHI, J

Dt. 12.05.2023
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