



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

TUESDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CRIMINAL PETITION NO: 399 OF 2023

Between:

Tammisetty Brammaiah, S/o Krishna Rao, Hindu, age 32 yrs, Labour works,
residing at Door. No 8-214, Makkenavaripalem Village, Santhamaguluru
Mandalm, Bapatla District

Petitioner/Accused No.1

AND

The State of Andhra Pradesh, represented by the Public Prosecutor, High Court
of A.P., Amaravathi

Respondent/Complainant

Petition under Sections 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
petitioner on bail in Cr.No. 251 /2022 of V.Madugula Police Station, Anakapalli
District, 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.

COUNSEL FOR THE PETITIONER : SRI GOLLAPALLI MAHESWARA RAO

COUNSEL FOR THE RESPONDENT : PUBLIC PROSECUTOR

THE COURT MADE THE FOLLOWING ORDER

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.399 of 2023

Order:

This Criminal Petition, under Sections 437 and 439 of Cr.P.C., has been filed by the petitioner/A1, seeking regular bail, in Crime No.251 of 2022 of V. Madugula Police Station, Anakapalli District.

2. A case has been registered against the petitioner and another for the offence punishable under Section 20(b)(ii)(B) r/w 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

3. Case of the prosecution, in brief, is that on 08.12.2022 at 10.00 hours, on receipt of credible information about illegal transportation of Ganja, the Additional SI of Police, V. Madugula Police Station, reached main road of Paderu Visakhapatnam, and at the outskirts of Thatiparthi Village, he found A1, who is coming from Makkenavaripalem Village, in possession of 06 KGs of Ganja which is allegedly purchased from A2. The contraband along with other material was seized under the cover of a mediators report.

4. Learned counsel for the petitioner submits that the petitioner was 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 already 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 petitioner was arrested on 08.12.2022 and since then he is in judicial custody. 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, the petitioners can be released on bail.

8. Accordingly, the Criminal Petition is allowed. The petitioner shall be released on bail on executing a personal bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for the like sum each to the satisfaction of the learned Judicial Magistrate of First Class, V. Madugula, Anakapalli District. The petitioner shall appear before the Station House Officer concerned on every Sunday between 10.00 AM and 1.00 PM till filing of the charge sheet.

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

RB

//TRUE COPY//

SECTION OFFICER

To,

1. Judicial First Class Magistrate Court at V.Madugula Anakapalli District.
2. The Superintendent, Central Prison, Visakhapatnam District.
3. S.H.O, V.Madugula Police Station, Anakapalli District
4. One CC to Sri Gollapalli Maheswara Rao Advocate [OPUC] ✓
5. Two CCs to Public Prosecutor, High Court of AP [OUT]
6. One spare copy

HIGH COURT

SRKJ

DATED:31/01/2023

BAIL ORDER

CRLP.No.399 of 2023

ALLOWED

