

HON'BLE SRI JUSTICE K. SURESH REDDY

Criminal Petition No.4561 of 2023

ORDER:

Accused No.3 in Cr.No.13 of 2023 of Donkarai Police Station, A.S.R. District, filed the present application under Sections 437 and 439 of Cr.P.C. seeking his release on bail. The above crime was registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(c) of the Narcotic Drugs & Psychotropic Substances Act, 1985.

2. Case of the prosecution in brief is that, on 20.10.2022 when the Sub Inspector of Police, Donkarai PS, along with his staff and mediators, conducting vehicle checking at Sri Vana Kanaka Durga Temple, Donkarai village, they apprehended A.2 & A.3, who were found in possession of 40 Kgs of ganja. After conducting *panchanama*, the police arrested A.2 & A.3, seized the contraband from them and were remanded to judicial custody.

3. Learned counsel for the petitioner contends that the police seized 40 Kgs of ganja from A.2 & A.3 and they were remanded to judicial custody on 21.10.2022. He further contends that though 180 days have lapsed from the date of the said arrest, the police did not file the charge sheet and requested this Court to enlarge the petitioner on bail.

4. On the other hand, learned Assistant Public Prosecutor, on instructions states that the police have not filed the charge sheet till today.

5. This Court perused the entire material on record. Considering the facts and circumstances of the case, as the police have not filed the charge sheet within

a period of 180 days from the date of remand of the petitioner, the petitioner is entitled for enlargement of bail and hence, this Court is inclined to enlarge the petitioner on bail with certain conditions.

6. The petitioner/A.3 is directed to 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 Judicial Magistrate of I Class, Rampachodavaram. On such release, the petitioner is directed to report before the Station House Officer, Donkarai PS, twice in a week i.e., on every Wednesday and Sunday between 10.00 a.m. and 1.00 p.m., until further orders. The petitioner is directed to cooperate with the investigation and not to tamper with the prosecution witnesses.

7. The criminal petition is, allowed accordingly.

Date: 14.07.2023
bss

Justice K. SURESH REDDY

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BSS