

THE HON'BLE SRI JUSTICE K. SURESH REDDY

CRIMINAL PETITION No. 5621 OF 2023

ORDER:

This Criminal Petition, under Sections 437 and 439 of Cr.P.C., has been filed by the petitioners/A-2 and A-5, seeking regular bail in Crime No.44 of 2023 of Malkipuram Police Station, East Godavari District.

2. The above Crime was registered against the petitioners herein and others for the offence punishable under Section 20(b)(ii)(C) read with Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

3. Brief facts of the case are that on 03.04.2023 at about 07.30 p.m., on receipt of credible information, the Sub-Inspector of Police, Malkipuram Police Station along with staff and mediators apprehended Accused Nos. 1 to 5 at Gudimellanka Village, Malkipuram Mandal, who were found in possession of 23.250Kgs of Ganja. After conducting panchanama and after seizing the contraband, the Police arrested all the five Accused, who were remanded to judicial custody thereafter.

4. The learned counsel for the petitioners contended that the contraband seized from the possession of all the five Accused is 23.250Kgs of Ganja and further the petitioners are in judicial custody since 03.04.2023. As such, the learned counsel for the petitioners requested this Court to enlarge the petitioners/A-2 and A-5 on bail.

5. On the other hand, the learned Special Assistant Public Prosecutor, on written instructions, states that the petitioners/A-2 and A-5 were not involved in any other similar crimes previously. He further states that other Accused were already enlarged on bail by this Court.

6. This Court perused the entire material on record.

7. Considering the facts and circumstances of the case, as the contraband seized from the possession of all the five Accused is 23.250Kgs of Ganja, which is a little bit higher than non-commercial quantity and further the petitioners are in judicial custody since 03.04.2023, this Court is inclined to enlarge the petitioners/A-2 and A-5 on bail, on the following conditions.

(i) The petitioners/A-2 and A-5 herein shall be released on bail on their executing personal bonds for

Rs.25,000/- (Rupees twenty five thousand only) each with two (02) sureties for a like sum each to the satisfaction of the learned Judicial First Class Magistrate, Razole.

(ii) On release, the petitioners shall appear before the Station House Officer concerned, twice in a week i.e., on every Monday and Thursday between 10.00 a.m. and 01.00 p.m., until further orders.

(iii) Further, the petitioners are directed not to hamper the investigation and tamper with the prosecution witnesses.

8. Accordingly, the Criminal Petition is allowed.

SRI K.SURESH REDDY, J

Date: 17.08.2023
RSI/TSNR

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