

THE HON'BLE SRI JUSTICE K. SURESH REDDY

CRIMINAL PETITION Nos. 5662 and 5663 OF 2023

COMMON ORDER:

As these two (02) Criminal Petitions arise out of the same Crime, they are being disposed of by way of this Common Order.

2. These Criminal Petitions, under Sections 437 and 439 of Cr.P.C., have been filed by the petitioners/Accused Nos. 1, 2, 5 and 6, seeking regular bail in Crime No.58 of 2023 of Bhimadole Police Station, West Godavari District,

3. Criminal Petition No.5662 of 2023 is filed by Accused Nos.1 and 2; whereas Criminal Petition No.5663 of 2023 is filed by Accused Nos.5 and 6.

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

5. Brief facts of the cases are that on 13.02.2023 at about 03.00 p.m., on receipt of the credible information, the Sub-Inspector of Police, Bhimadole Police Station along with staff and mediators apprehended Accused Nos.1 to 6 at

NH-16 Flyover, Bhimadole, who were transporting 50.00Kgs of Ganja in two vehicles i.e., Baleno Car bearing No. RJ06 CE 6331 and Toyota Glanza Car bearing No. RJ06 C3 9340. After conducting panchanama and after seizing the contraband, the Police arrested all the six Accused, who were remanded to judicial custody thereafter.

6. The learned counsel for the petitioners contended that the petitioners were arrested on 13.02.2023 and ever since, they are in judicial custody. He further contended that the contraband seized from the possession of all the six (06) Accused is 50.00Kgs of Ganja. It is contended by the learned counsel for the petitioners that though the statutory period of 180 days have elapsed, the Police have not filed charge sheet till today. As such, the learned counsel for the petitioners states that the petitioners are entitled for statutory bail.

7. On the other hand, the learned Special Assistant Public Prosecutor, on written instructions, states that the Police have not filed charge sheet even after completion of 180 days. Of course, they filed a petition seeking extension of time, but the said petition was returned.

8. Considering the facts and circumstances of the case, as the prosecution has not filed charge sheet within the

statutory period, this Court is inclined to enlarge them on bail, on the following conditions.

(i) The petitioners in both these Criminal Petitions 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, Bhimadole, West Godavari District.

(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.

9. Accordingly, these Criminal Petitions are allowed.

SRI K.SURESH REDDY, J

Date: 17.08.2023
RSI/TSNR

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