

HON'BLE SRI JUSTICE K. SURESH REDDY

CRIMINAL PETITION No.5669 of 2023

ORDER:

Accused No.2 in Cr.No.57 of 2021 of Cheedikada Police Station, Visakhapatnam District, filed the present criminal petition under Sections 437 and 439 of Cr.P.C., seeking to release him on bail. The above crime was registered against the petitioner and another for the offences punishable under Sections 20(b)(ii)(B) read with 8(c) of the Narcotic Drugs & Psychotropic Substances Act, 1985.

2. The case of the prosecution in brief is that, on 16.04.2021, the Assistant Sub Inspector of Police, Cheedikada PS, along with his staff and mediators apprehended Accused No.1 near Manchala Gaduburu junction, who was transporting 1.12 Kgs. of ganja in a two wheeler. After conducting *panchanama* and after seizing the contraband from A.1, the Assistant Sub Inspector of Police, arrested and remanded him to judicial custody subsequently. During the course of investigation, A.1 made confessional statement stating that he got the said ganja from the petitioner/A.2. Thereafter, the petitioner was arrested on 09.06.2023 and was remanded to judicial custody.

3. Learned counsel for the petitioner contends that the contraband seized from the possession of A.1 is only 1.12 Kgs. He further contends that the petitioner is in judicial custody from 09.06.2023 and that though the statutory period of 60 days has elapsed, the police did not file the charge sheet in the above crime and on those grounds, he requests this Court to grant bail to the petitioner/A.2.

4. On the other hand, learned Assistant Public Prosecutor, opposed the bail application stating that the petitioner also involved in two similar crimes previously.

5. This Court perused the entire material on record. Be that as it may, the contraband seized from the possession of A.1 is only 1.12 Kgs. and as the police did not file the charge sheet within the statutory period and the petitioner is in judicial custody since 09.06.2023, this Court is inclined to grant bail to the petitioner/A.2 on bail with certain conditions.

(i) Petitioner/A.2 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 a like sum each to the satisfaction of the Additional Judicial Magistrate of First Class, Chodavaram.

(ii) On such release, the petitioner 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 petitioner is directed not to hamper the investigation and tamper with the prosecution witnesses.

6. The criminal petition is allowed accordingly.

Justice K. SURESH REDDY

Date: 16.08.2023
BSS

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