

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY ,THE THIRTY FIRST DAY OF JANUARY

TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

CRIMINAL PETITION NO: 571 OF 2023



Between:

Pudi Karunakara Rao, S/o. Late Lakshmi Naidu, aged about 27 Years, N/o. Konavalas village, Terlam Mandal, Vizianagaram District R/o. Railway New colony, Haritha Apartments Visakhapatnam city

...Petitioner/Accused-A3

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of Judicature of Andhra Pradesh At Amaravati.

...Respondent/Complainant

Petition under Section 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 release the petitioner/A3 on bail in Cr.No. 458 of 2022 of Arilova Police Station, Visakhapatnam Commissionerate ,

The petition coming on for hearing, upon perusing the Petition and the Memorandum of grounds filed in support thereof and upon hearing the arguments of Sri. KAKUMANU JOJI AMRUTHA RAJU Advocate for the Petitioner, PUBLIC PROSECUTOR, for the Respondent, The Court made the following.

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.571 of 2023

Order:

This Criminal Petition, under Sections 437 and 439 of Cr.P.C., has been filed by the petitioner/A3, seeking regular bail, in Crime No.458 of 2022 of Arilova Police Station, Visakhapatnam Commissionerate.

2. A case has been registered against the petitioner/A3 and others for the offences punishable under Sections 341, 419 read with 34 IPC and 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 15.12.2022, on receipt of credible information about illegal transportation of Ganja, the Sub-Inspector of Police, Arilova Police Station, Visakhapatnam, along with his staff and mediators, went to Sagarnagar Arch and found A1 to A5 in possession of 2.320 Kgs of Ganja transporting in XL6 Car bearing registration No.AP 39 KZ 9087. The contraband, along with vehicle and other material, was seized under cover of a mediators report. A1 to A5 were arrested and remanded to judicial custody on 15.12.2022.

4. Heard. Perused the record.

5. The petitioner/A3 was remanded to judicial custody on 15.12.2022 and since then he is languishing in jail. The quantity of Ganja allegedly seized from the possession of the accused is only 2.320 Kgs, which does not amount to commercial quantity. In view of the aforesaid facts and circumstances of the case, this Court is inclined to grant bail to the petitioner on the following conditions.

i) The petitioner herein shall be released on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like sum each to the satisfaction of the learned Chief Metropolitan Magistrate, Visakhapatnam.

ii) Petitioner shall appear before the Station House Officer concerned once in a week i.e. on every Sunday between 10.00 AM and 5.00 PM, till filing of the charge sheet.

iii) The petitioner shall not directly or indirectly contact or threaten the witnesses under any circumstances and any such attempt shall be construed as an attempt of influencing the witnesses and shall not tamper evidence and shall co-operate with the investigation.

iv) It is made clear that the petitioner shall scrupulously comply with the above conditions and breach of any of the above conditions will be viewed seriously and prosecution is at liberty to move an application for cancellation of the bail.

6. Accordingly, the Criminal Petition is allowed.

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

For ASSISTANT REGISTRAR

To,

1. The Chief Metropolitan Magistrate, Visakhapatnam
2. The Superintendent, Central Prison, Visakhapatnam
3. The Station House Officer, Arilova Police Station, Visakhapatnam
Commissionerate
4. One CC to SRI. KAKUMANU JOJI AMRUTHA RAJU Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
6. One spare copy

PSR

HIGH COURT

SRK,J

DATED:31/01/2023

BAIL ORDER

CRLP.No.571 of 2023

ALLOWED

