



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE TWENTY SEVENTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE MS JUSTICE B S BHANUMATHI

CRIMINAL PETITION NO: 755 OF 2023

Between:

Peddakattula Venkatesh @ Venkateswarlu, S/o. Subbarao, aged 30 years, R/o. Somavarapadu Village, Thalluru Mandal, Prakasam District.

...Petitioner/ 3rd Accused

AND

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

...Respondent

Petition under Sections 437 & 439 of Cr.P.C, is filed 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 grant him Regular Bail in connection with Crime No. 136 of 2022 of Thalluru Police Station, Prakasam District, in the interests of justice,

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 SUBBA RAO JANDHYAM Advocate for the Petitioner, PUBLIC PROSECUTOR, for the Respondent, The Court made the following.

THE HON'BLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.755 of 2023

ORDER:

This Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C'), is filed by petitioner/A3 in Crime No.136 of 2022 of Thallur Police Station, Prakasam District, registered for the offences punishable under Sections 20(b)(ii)(C), 25 r/w Section 8(c) of N.D.P.S. Act.

2. Heard the learned counsel for the petitioner/A3 and the learned Assistant Public Prosecutor representing the respondent/State.

3. The case of the prosecution is briefly that on 26.12.2020, on information the complainant (S.I.) went to the house of A1 and found 20 kgs of ganja by peeping through window and that on 31.12.2022, A1 was caught on information and he stated that he let out his house to A2 and A3 and led the police to another place where A2 to A10 were nabbed while trying to flee away on seeing the police and amongst them, A3 was also found in possession of a packet of 1 kg of ganja. It is the further case that A11 supplied 120 kgs of ganja to A2 to A5 with the help of car driver A12 and A2 to A5 divided it 30 kgs each and sold it, except

20 kgs of A2 and on coming to know it, A3 to A10 came to A2 to buy it.

4. Learned counsel appearing for the petitioner submitted that a false case has been foisted against the petitioner and the material part of the investigation is completed except receiving the report of Analyst. He further submitted that even as per the allegations the petitioner is found in possession of only 1 kg of ganja which is a small quantity. The petitioner has been in judicial custody since 31.12.2022.

5. Learned Assistant Public Prosecutor submitted that in this case, there are 12 accused out of whom 10 accused were arrested and A11 is the person who is supplying the contraband in huge quantities of hundred of kilograms.

6. In view of the submissions made on both sides, the petitioner is entitled to bail, however subject to certain conditions.

7. Accordingly, the Criminal Petition is allowed. The petitioner/A3 (Peddakattula Venkatesh @ Venkateswarlu, S/o. Subbarao) shall be released on bail on his furnishing 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 the learned Judicial Magistrate of First Class, Darsi, Prakasam District, and subject to complying the following conditions:

(i) The petitioner/A3 shall make himself available or interrogation by the Investigating Officer or the police officer concerned as and when required.

(ii) The petitioner/A3 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.

(iii) The petitioner shall not leave the jurisdiction of the without prior permission of the Court concerned;

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/- CHITTI JOSEPH
ASSISTANT REGISTRAR

SECTION OFFICER

For

To,

1. The Judicial Magistrate of First Class, Darsi, Prakasam District
2. The Special Court, Designated for Trial of Offences Under the Narcotic Drugs and Psychotropic Substances Act, 1985-cum-I Additional District & Sessions Judge, Prakasam District at Ongole
3. The Superintendent, Sub Jail, Ongole, Prakasam District
4. The Station House Officer, Thalluru Police Station, Prakasam District
5. One CC to SRI. SUBBA RAO JANDHYAM Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court of Andhra Pradesh [OUT]
7. One spare copy

HIGH COURT

BSB,J

DATED:27/02/2023

BAIL ORDER

CRLP.No.755 of 2023

ALLOWED

