

Andhra Pradesh High Court - Amravati

Counsel For The vs Prosecutor For The on 25 May, 2023

HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

CRIMINAL PETITION No.3491 of 2023

ORDER:

Heard Sri Nagabathula Srinivasa Rao, Learned Counsel for the Petitioner and Learned Assistant Public Prosecutor for the Respondent-State.

2. This Criminal Petition, under Sections 437 and 439 of Cr.P.C., has been filed by the petitioner/Accused No.1, seeking regular bail, in Crime No.52 of 2023 of Mummidivaram Police Station, B R Ambedkar Konaseema District.

3. A case has been registered against the Petitioner and others for the offence punishable under Section 8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

4. Case of the prosecution, in brief, is that, on 05.03.2023 at 02.30 p.m., on credible information, Sub- Inspector of Police, Mummidivaram Police Station, along with his staff and mediators while conducting raid at Annampally Old Aqueduct, Annampally Village of Mummidivaram Mandal, found the petitioner/Accused No.1 and others in possession of 23.950 Kgs of Ganja. The contraband along with other material was seized under the cover of a mediators report and accused were remanded to judicial custody.

5. Learned Counsel for the Petitioner has drawn the attention of this Court to an Order passed by this Court in Criminal Petition No.2682 of 2023, dated 20.4.2023. Learned Counsel submits that this Court has granted bail in respect of Accused No.5 in this Crime, by the said Order.

6. The petitioner was arrested and remanded to judicial custody on 05.03.2023 and since then he is in judicial custody. The quantity of contraband allegedly seized from the possession of the accused is 23.950 Kgs. It is stated that material part of investigation is completed. The petitioner is languishing in jail since 05.03.2023.

7. In this view of the matter, this Court is inclined to grant bail to the petitioner/Accused No.1, on the same terms and conditions as in Criminal Petition No.2682 of 2023, dated 20.4.2023.

(i) The Petitioner/Accused No.1 shall be released on executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Mummidivaram.

(ii) On release, the Petitioner shall appear before the Station House Officer concerned, once in a week i.e., on every Friday between 10.00 a.m. and 05.00 p.m., 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.

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.

8. Accordingly, the Criminal Petition is allowed.

_____ G. RAMAKRISHNA PRASAD, J.

Date: 25.5.2023 vasu