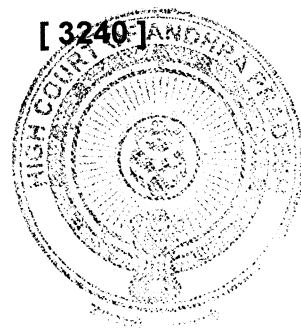


IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THURSDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY ONE

: PRESENT:

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI
CRIMINAL PETITION NO: 376 OF 2021



Between:

Saurav Raj @ Suman, S/o. Nanda Kishore Sahni, Age 25 years, R/o. Raghunathapur
Baya Village, Paroo P.S., Muzaffarpur District, State of Bihar.

Petitioner/Accused

AND

The State of Andhra Pradesh, through Station House Officer, Government Railway P.S,
Vijayawada, Krishna District, rep. by Public Prosecutor, High Court At Amaravati.

Respondent

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances
stated in the grounds of the Criminal Petition, the High Court may be pleased to enlarge
the Petitioner/Accused on bail in Crime No.2/2021 on the file of Government Railway
P.S, Vijayawada, Krishna District,

The petition coming on for hearing, upon perusing the Petition and the grounds
filed in support thereof and upon hearing the arguments of SRI G VENKATA REDDY
Advocate for the Petitioner, and of PUBLIC PROSECUTOR for the Respondent, the
Court made the following.

ORDER:

HONOURABLE SMT. JUSTICE LALITHA KANNEGANTI

Criminal Petition No.376 of 2021

ORDER:

This Criminal Petition is filed under Section 437 and 439 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") seeking regular bail to the petitioner/A.3 in connection with Crime No.2 of 2021 of Government Railway Police Station, Vijayawada, Krishna District, registered for the offences punishable under Section 20 (b) (ii) (B) read with Section 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on receipt of credible information on 08.01.2021 about illegal transportation of Ganja, the Sub-Inspector of Police, Government Railway Police Station, secured the presence of mediators and Gazetted officer, rushed to Platform No.7 near General Waiting Hall, Vijayawada Railway Station and found a person with luggage bag and on seeing the police, he tried to skulk away, but the police apprehended him and on searching the bag, they found 10Kgs of Ganja and then seized the Ganja under the cover of mediator's report. The police arrested the petitioner and remanded to judicial custody.

3. Heard Sri G. Venkata Reddy, learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submits that the mediators report coupled with Remand Report shows that the contraband that is seized from the possession of the petitioner is 10Kgs, which is not a commercial quantity and the bar under

Section 37 of the NDPS Act is not attracted. He submits that the police, while conducting search and seizure of the contraband, failed to follow the mandatory provisions of the NDPS Act. He further submits that the petitioner is languishing in jail since the date of arrest.

5. On the other hand, learned Public Prosecutor submits that the investigation is still pending. He further submits that since the petitioner belongs to Bihar State, it is very difficult for the prosecution to secure his presence during trial, if he is enlarged on bail. Hence, the petitioner is not entitled for bail.

6. Taking into consideration the fact that the contraband that is seized from the possession of the petitioner is 10Kgs, which is not a commercial quantity and as there is no bar under Section 37 of the NDPS Act to grant bail to the petitioner, there is nothing forthcoming to show that the petitioner is a habitual offender, this court deems it appropriate to grant regular bail to the petitioner, but with certain conditions.

7. Accordingly, the Criminal Petition is allowed. The petitioner/accused shall be enlarged on bail on his executing personal bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the VII Additional Metropolitan Magistrate for Railways, Vijayawada, Krishna District. As the petitioner/accused belongs to Bihar State, he shall not leave the State till completion of trial and he shall appear before the Station House Officer, Government

Railway Police Station, Vijayawada, Krishna District, once in a month till the charge sheet is filed.

//TRUE COPY//

Sd/-P.VenkataRamana
DEPUTY REGISTRAR
P. S. Rani
For, SECTION OFFICER

To,

1. The VII Additional Metropolitan Magistrate for Railways, Vijayawada, Krishna District
2. The Superintendent, Central Jail, Krishna District
3. The Station House Officer, Government Railway Police Station, Vijayawada, Krishna District
4. One CC to SRI G VENKATA REDDY Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of AP [OUT]
6. One spare copy

HIGH COURT

LKJ

DATED:04/02/2021

ORDER

CRLP.No.376 of 2021

ALLOWED

