



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE TWELFTH DAY OF APRIL,
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
CRIMINAL PETITION NO: 2216 OF 2022

Between:

1. Syed Jaffar, S/o.Shafi Uddin, Aged about 24 years, R/o.Plot No.213, Ghousenagar, Bandlaguda, Chandrangutta, Hyderabad, State of Telangana-(A3)
2. Amjad @ Amjad Ali, S/o.Rajjab Ali, Aged about 32 years, R/o.Hariharpur, Bahraich District, Uttarpradesh, Now at Shalibanda, Charminar, Hyderabad. State of Telangana-(A4)
3. Chiruguru Venkata Rao, S/o.Pandayya, Aged about 25 years, R/o.Majhipaka, Kuramanur, Chitrakonda, Malkangiri District, Odisha State-(A5).
4. Erika Kamaya, S/o.Lingaya, Aged about 21 years, R/o.Majhipaka, Kuramanur, Chitrakonda, Malkangiri District, Odisha State-(A6)
5. Muda Kantaya, S/o.Bales, Aged about 18 years, R/o.Majhipaka, Kuramanur, Chitrakonda, Malkangiri District, Odisha State (A7).

...Petitioners/A3, A4, A5, A6, A7

AND

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

...Respondent

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in memorandum of grounds of Criminal Petition, the High Court may be pleased to grant regular bail to the petitioners in connection with FIR in Crime No.40 of 2021 of Maredumilli Police Station, East Godavari District in the interest of justice.

The petition coming on for hearing, upon perusing the Petition and memorandum of grounds of criminal petition and upon hearing the arguments of Sri CH.Ganga Kumari, Advocate for the Petitioners and Public Prosecutor for the Respondent, the Court made the following.

ORDER:

HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CRIMINAL PETITION No.2216 OF 2022

ORDER:-

This criminal petition under Section 439 of the Code of Criminal Procedure, 1973 is filed to enlarge the petitioners on bail.

2. The petitioners are A-3 to A-7 in Crime No.40 of 2021 of Maredumilli Police Station, East Godavari District.

3. A case under Section 8(c) read with Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS' Act) was registered against the petitioners in the above crime.

4. Briefly stated, it is the case of the prosecution that on the instructions of A-1 and A-2 that the petitioners herein who are A-3 to A-7 were transporting 2010 KGs of ganja on 19.04.2021 in an Eicher van bearing No.AP 29 TA 5683 while another person piloting the said van on Hero HG Deluxe two wheeler. At that time, they were apprehended by the police and the contraband was seized from their possession. Therefore, it is stated that the petitioners have committed the aforesaid offence.

5. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

6. The petitioners herein were arrested in connection with the above crime on 19.04.2021 and since then they have been languishing in jail almost for the last one year period of time.

Statutory period prescribed for completion of investigation has

been completed. On a petition filed by prosecution for extension of said period for completion of investigation, time has been extended and the said period is also completed and the same stood expired today. As per the submission made by learned Additional Public Prosecutor that the entire investigation in this case is completed. Therefore, in the said facts and circumstances of the case, this Court is of the considered view that the petitioners are entitled to bail. However, in view of the apprehension expressed by learned Additional Public Prosecutor that as the petitioners belong to other States that they may abscond if they are released on bail and it would be difficult for the police to nab them again to secure their presence for trial, the petitioners are entitled to bail on certain conditions.

7. Resultantly, the Criminal Petition is allowed. The petitioners are ordered to be enlarged on bail on execution of self bond for Rs.2,00,000/- (Rupees two lakhs only) each with two separate sureties for each of the accused for the like sum to the satisfaction of the learned Judicial Magistrate of First Class, Rampachodavaram, East Godavari District. The sureties shall be the local sureties who shall be the permanent residents of East Godavari District and they shall be the solvent sureties. On their release, the petitioners shall report before the Station House Officer, Maredumilli Police Station, East Godavari District daily between 10.00 A.M. and 5.00 P.M., till the charge sheet is filed in this case. Thereafter also, they shall report before the Station House Officer, Maredumilli Police Station, East Godavari District once in a month on the 2nd day of every succeeding

month till the trial of the case is concluded and the case is disposed of in the trial Court. The aforesaid conditions are imposed to ensure the presence of the petitioners during the course of trial and in view of the apprehension expressed by learned Additional Public Prosecutor as discussed supra. The petitioners shall scrupulously comply with the above conditions and any infraction of the same will be viewed very seriously and it also entails cancellation of bail.

//TRUE COPY//

Sd/-T.Madhavi
ASSISTANT REGISTRAR

For, SECTION OFFICER

To,

1. The Judicial First Class Magistrate at Rampachodavaram, East Godavari District.
2. The Superintendent, Central Prison, Rajamahendravaram.
3. The Station House Officer, Maredumilli Police Station, East Godavari District.
4. One CC to Sri. CH.Ganga Kumari, Advocate [OPUC]
5. Two CCs to Public Prosecutor, High Court of AP [OUT]
6. One spare copy

MM



HIGH COURT

CMRJ

DATED:12/04/2022

ORDER

CRLP.No.2216 of 2022

ALLOWED

