

## IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MONDAY, THE FIFTEENTH DAY OF JUNE,  
TWO THOUSAND AND TWENTY

: PRESENT:

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY  
CRIMINAL PETITION NO: 2075 OF 2020**Between:**Gopal Rathod, S/o Rawan Rathod, Aged about 21 years, R/o.Gnama Thanada,  
Narayanakad, Narayanakad Mandal, Medak District, Telangana State**Petitioner/Accused No.1****AND**The State of Andhra Pradesh, Rep. by Public Prosecutor, High Court of Andhra  
Pradesh at Amaravathi.**Respondent**

Petition under Section 437 r/w 439 of Cr.P.C, R/w Sec 37 of NDPS Act praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to enlarge the Petitioner on bail in Crime No. 39 of 2019 of Mothugudem Police Station, East Godavari 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 T D PHANI KUMAR Advocate for the Petitioner, and of PUBLIC PROSECUTOR for the Respondent, the Court made the following.

**ORDER:**

**CRIMINAL PETITION No.2075 OF 2020**

**ORDER:-**

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

2. The petitioner is A-1 in Crime No.39 of 2019 of Mothugudem Police Station, East Godavari District.

3. The alleged offences against the petitioner are under Sections 8(c) r/w 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act").

4. It is the case of the prosecution that on 03.12.2019, A-2 and A-6 to A22 and other accused were found to be illegally transporting 850 Kgs of Ganja in Eicher Van bearing Registration No. TS 09 UC 2169 and at that time, they were apprehended by the police and the contraband was seized from their possession. On interrogation, they revealed that A-1 has purchased the said Ganja and he has invested the amount and at his instance, they transported the Ganja. Therefore, the petitioner has committed the aforesaid offences.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

6. Learned counsel for the petitioner would submit that all other accused, who were arrested in this case were already enlarged on bail and the petitioner herein was involved in this case on the alleged statements said to have been given by the

said accused, who were arrested in this case and the petitioner has been also in judicial custody since 16.03.2020, for the last 3 months period and the investigation in this case is completed and thereby prayed for grant of bail to him.

7. Learned Additional Public Prosecutor opposed the bail application stating that the petitioner is the kingpin in commission of the said offences and he invested money and he has arranged for transportation of the said Ganja. He would also submit that the petitioner was arrested in similar crime in Crime No. 30/2019 of Chintoor Police Station and he is resident of Karnataka State and if he is enlarged on bail that it would be difficult for the prosecution to secure his presence for trial and thereby prayed for dismissal of the petition. However, he admits that charge sheet is filed in this case after completion of investigation.

8. Perused the record.

9. The record reveals that all other accused, who were arrested in this case, were already enlarged on bail. The petitioner has been in judicial custody since 16.03.2020 for the last three (3) months period. Further, the entire investigation in this case is completed and charge sheet is also filed. Therefore in the said facts and circumstances of the case, this Court is of the considered view that the petitioner is entitled to bail on certain conditions, in view of the submission made by the learned Additional Public Prosecutor that he is resident of

Karnataka State and it would be difficult for the prosecution to secure his presence for the trial.

10. In the result, this Criminal Petition is allowed. The petitioner is ordered to be enlarged on bail on execution of self bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties, who shall be the residents of Andhra Pradesh State to the satisfaction of the learned Judicial Magistrate of First Class, Rampachodavaram. On his release, the petitioner shall report before the Station House Officer of Mothugudem Police Station, once in a month on the 5<sup>th</sup> of the succeeding month, till the entire trial of the case is concluded and the case is disposed of in the trial Court. The aforesaid condition is imposed to ensure his presence during course of trial, in view of the submission made by the learned Additional Public Prosecutor.

**SD/-G.SRINIVAS REDDY**  
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**For ASSISTANT REGISTRAR**

To,

1. The I Additional District Sessions Judge, Rajamahendravaram, E.G.District
2. The Superintendent, Central Prison, Rajahmundry, East Godavari District
3. The Station House Officer, Mothugudem Police Station, East Godavari District
4. One CC to SRI. T D PHANI KUMAR Advocate [OPUC]
5. Two CCs to PUBLIC PROSECUTOR, High Court of AP [OUT]
6. One spare copy



HIGH COURT

CMRJ

DATED:15/06/2020

ORDER

CRLP.No.2075 of 2020

ALLOWED

