



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

FRIDAY, THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

CRIMINAL PETITION NO: 2784 OF 2021

Between:

Botchu Kranthi Kumar, S/o. Ravindar, aged 23 years, SC Madiga by Caste, Studying Bachelor of Physiotherapy, Native of Door No. 3-91, Bujnoior Village, Jammalkunta Mandal, Karimnagar District, Telangana State, Sakula Ammanagar Village, T.Anumamba Market, Warangal.

...Petitioner/Accused

AND

State, represented by the Public Prosecutor, AP High Court, Amaravathi.

....Respondent/Complainant

Petition under Sections 437 & 439 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in Criminal Petition, the High Court may be pleased to consider the same and release the petitioners on bail in Cr. No. 60 of 2021 of GRP Police Station, Visakhapatnam on such terms and conditions as the Honorable Court deems fit and proper under the light of the circumstances of the case, in the interest 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 Gollapalli Maheswara Rao, Advocate for the Petitioner and of Public Prosecutor for the Respondent, the Court made the following.

ORDER:

THE HON'BLE SRI JUSTICE B. KRISHNA MOHAN

CRIMINAL PETITION NO.2784 OF 2021

ORDER:

This Criminal Petition is filed by the petitioner/ Accused in Crime No. 60 of 2021, dated 27.03.2021 of Government Railway Police Station, Visakhapatnam City, registered for the offences punishable under Sections 20(b)(ii)(c), r/w 8(c) of NDPS Act, 1985.

2. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor for the Respondent/ State.

3. The brief facts of the prosecution are that on 27.03.2021 on receipt of information the Sub-Inspector of Police of Government Railway Police, Visakhapatnam City about illegal transportation of Ganja, secured the staff and mediators and while checking the premises of Visakhapatnam Railway Station, Opposite to the West Booking Counter on platform No. 8, the petitioner was arrested under the cover of Mediator's Report drafted at 6.00 a.m as he was found in possession of contraband. The arrested accused and contraband were taken to Gazetted Officer i.e Assistant Security Commissioner at about 8.30 a.m on 27.03.2021 and on due search, the petitioner was found in possession of 10 Kgs of dry Ganja in violet colour bag in two packets each packet containing 5 Kgs and 4 Kgs of dry Ganja in brown colour college bag in two packets each packet containing 2 Kgs, total 14 Kgs of dry Ganja and same is seized under the cover of mediators report drafted on the spot in the presence of staff and mediators by following the due procedure besides drawing samples and registered the above crime.

4. The learned counsel for the petitioner submits that the petitioner herein is a student and he was arrested at the scene of offence and he has been sent to remand on 27.03.2021. Ever since, he has been languishing in jail for the last 41 days. The Contraband seized in the above said crime is 14 Kgs of dry Ganja, which is below the commercial quantity. The petitioner has been falsely implicated in the above crime.

5. On the other hand, the learned Assistant Public Prosecutor submits that investigation in the above crime is pending, four witnesses were examined so far.

6. In view of the above said facts and circumstances, since the contraband seized is below the commercial quantity, this petition is considered. The petitioner/ Accused is enlarged on bail, subject to executing a personal bond for a sum of Rs. 50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the VI Metropolitan Magistrate for Railways, Visakhapatnam. The petitioner shall appear before the concerned Station House Officer, once in 15 days, on Sunday between 10.00 a.m to 1.00 p.m, till the trial is completed. The petitioner shall not repeat any offence again. The petitioner shall cooperate with the Investigating Agency as well as the trial court to conclude the proceedings as per law.

Accordingly, the Criminal Petition is allowed.

//TRUE COPY//

SD/- U.Sri Devi
ASSISTANT REGISTRAR
SECTION OFFICER

To,

For

1. The Metropolitan Sessions Judge-cum-Spl. Judge for NPDS cases at Visakhapatnam.
2. The VI Metropolitan Magistrate for Railways, Visakhapatnam.
3. The Superintendent, Central Prison, Visakhapatnam District.
4. The Station House Officer, GRP Police Station, Visakhapatnam.
5. One CC to Sri. Gollapalli Maheswara Rao, Advocate [OPUC]
6. Two CCs to Public Prosecutor, High Court of AP [OUT]
7. One spare copy.

HIGH COURT

BKM,J

DATED:07/05/2021

ORDER

CRLP.No.2784 of 2021

ALLOWED

