

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**CRIMINAL PETITION NO.2945 of 2021**

**ORDER:-**

This petition is filed under Sections 437 and 439 of Code of the Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking regular bail to the petitioners/A-3 to A-5 in connection with Crime No.19 of 2021 of Munchangiput Police Station, Visakhapatnam, for the offence punishable under Section 8(c) r/w 20(b)(ii)(C) and 25 of the NDPS Act.

2. The case of prosecution is that on 25.02.2021 on receipt of credible information about transportation of dry ganja illegally, the respondent police along with staff and mediators rushed to Darapalli Junction of Munchangiput Mandal and while checking the vehicles, they arrested the accused and seized 100 KGs of dry ganja in four plastic bags while they were transporting the same in a commander jeep bearing No.AP 05 BW 88, under the cover of a mediators report. Basing on the said report, the present crime was registered and sent the accused to judicial custody.

3. Heard Sri Kakumanu Joji Amrutha Raju, learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for petitioners submits that if the allegations in the FIR have taken on its face value, they do not attract the offence under Section 8(c) r/w 20(b)(ii)(C) and 25 of the NDPS Act, because no contraband was seized from the petitioners. Petitioners were going to their subsequent village for the purpose of election

campaigning, police attributed the accused regarding seizure of ganja and the entire quantity of 100 KGs is not present at the time of seizure and the petitioners are falsely implicated in this case. Therefore, it does not fall under the ambit of commercial quantity.

5. Learned Assistant Public Prosecutor has drawn the attention of this Court to the mediators report and submits that the contraband of 100 KGs is seized from the accused. He submits that entire investigation is completed and they are about to file charge sheet.

6. This Court has observed that in all the cases stereo-typed averments are mentioning in the petitions. In this case, it is stated that no contraband was seized from the petitioner which is contrary to the mediators report. This Court has cautioned the learned counsel for the petitioners on several occasions not to file this stereo-typed petitions. But, inspite of several reminders, he is repeating the same. Hence, this Court feels that costs should be imposed. Learned counsel for the petitioners shall pay an amount of Rs.10,000/- (Rupees ten thousand only) to the Legal Services Authority, within two (02) weeks from the date of receipt of a copy of this order and file the receipt evidencing the same.

6. Taking into consideration the fact that entire investigation is completed, this Court deems it appropriate to grant bail to the petitioners.

7. Accordingly, the petitioners/ A-3 to A-5 shall be enlarged on bail in connection with Crime No.19 of 2021 of Munchangiput Police Station, Visakhapatnam, on their executing self bonds for Rs.2,00,000/- (Rupees two lakhs only) each with two sureties for a

like sum each to the satisfaction of the Court of the Judicial first Class Magistrate, Paderu, Visakhapatnam District. On such release, the petitioners shall appear before the Station House Officer, Munchangiput Police Station, Visakhapatnam District, once in a week i.e. on every Saturday between 10.00 AM and 1.00 PM till completion of trial.

Post after two (02) weeks.

Date: 23.08.2021  
KA

---

**LALITHA KANNEGANTI, J**

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**(Allowed)**

**CRIMINAL PETITION No. 2945 of 2021**

Date: 23.08.2021

KA