

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY ONE



:PRESENT:
THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO: 3227 OF 2021

Between:

1. V Rajan, S/o Veera Singam, aged 56 years, R/o N-36, Appar Street, Kammakotti Nagar, Valasaravakkam, Chennai, Tamilnadu State.
2. R. Sinnathurai, S/o Rama Swamy, aged 32 years, R/o H.No. 6/72, Bharathiyar Nagar, North Silver Street, Butt road, St Thomas Mount, Kancheepuram, Tamilnadu.
3. A. Paul, S/o Arya, aged 24 years, R/o H.No. 2/29, European lane, St Thomas Mount, Kancheepuram, Tamilnadu.

.... Petitioner/Accused

AND

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

... Respondent/Complainant

Petition under Section 437 and 439 of Cr.P.C, R/w. Sec 37 of NDPS Act, praying that in the circumstances stated in the grounds filed the Criminal Petition, the High Court may be pleased to enlarge the Petitioners on bail in Cr.No. 2 of 2021 on the file of Maredumilli 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 Harinath Reddy Soma Advocate for the Petitioners and of Public Prosecutor for the Respondent and the Court made the following.

ORDER

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.3227 of 2021

ORDER:-

This petition is filed under Sections 437 and 439 of Code of the Criminal Procedure, 1973 seeking regular bail to the petitioners/A-1 to A-3 in connection with Crime No.2 of 2021 of Maredumilli Police Station, East Godavari District, for the offences punishable under Sections 8 (c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "**NDPS Act**").

2. The case of prosecution is that on 05-01-2021 on receipt of credible information about illegal transportation of ganja, the Sub-Inspector of Police, Maredumilli Police Station along with his staff and mediators rushed to G.M. Valasa Junction, outskirts of Maredumilli Village and Mandal and conducted vehicle check, arrested the accused and seized 536 kgs of Ganja. Basing on the said mediators' report, police registered the present crime and sent them to judicial custody.

3. Heard Harinath Reddy Soma, learned counsel for the petitioners and the learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners/A-1 to A-3 submits that a false case is foisted against the petitioners, they are no way concerned with the alleged contraband and nothing has been seized from the petitioners. Learned counsel for the petitioners further submits that they have been languishing in jail from 05-01-2021 i.e. from the last 189 days. He also submits that police failed to follow

the procedure contemplated under Sections 42 and 50 of the NDPS Act while conducting search and seizure.

5. On the other hand, learned Assistant Public Prosecutor submits that entire investigation is completed and charge sheet is filed, however he stated that the petitioners belonged to Tamilnadu State and if they are enlarged on bail, it will be difficult for the prosecution to secure their presence during the course of trial.

6. Taking these facts into consideration, as entire investigation is completed and charge sheet is filed and as the petitioners have been languishing in jail for the last 189 days, this Court deems it appropriate to grant bail to the petitioners, however on certain conditions.

7. Accordingly, this Criminal Petition is allowed. The petitioners/A-1 to A-3 shall be enlarged on bail in Crime No.2 of 2021 of Maredumilli Police Station, East Godavari District on execution of self bond for Rs.5,50,000/- (Rupees five lakhs and fifty thousand only) each with two sureties for a like sum each to the satisfaction of the Court of the Judicial Magistrate of First Class, Rampachodavaram, East Godavari District. On such release, the petitioners shall not leave the State and shall appear before the Station House Officer, Maredumilli Police Station, East Godavari District once in a week i.e. on every Saturday between 10.00 AM and 1.00 PM till completion of trial.

//TRUE COPY//
Fo

Sd/-T.Madhavi
ASSISTANT REGISTRAR
SECTION OFFICER

To

1. The Judicial Magistrate of First Class Rampachodavarm, East Godavari District.
2. The Superintendent, Central Prison, Rajahmundry, East Godavari District.
3. The Station House Officer, Maredumilli Police Station, East Godavari District.
4. One CC to Sri. Harinath Reddy Soma Advocate [OPUC]
5. Two CC's to Public Prosecutor, High Court of AP, Amaravati[OUT]
6. One spare copy

HIGH COURT

LKJ

DATED:13/07/2021

ORDER

CRLP.No.3227 of 2021

ALLOWED.

