

THE HONOURABLE SRI JUSTICE D.RAMESH

CRIMINAL PETITION NO.7227 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/Accused Nos.1 and 2 in connection with Crime No.76 of 2021 of Narsipatnam Rural Police Station, Visakhapatnam wherein the petitioners are alleged to have committed the offences punishable under Section 20(b)(ii)(c) 25 read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "**NDPS Act**").

2. The case of prosecution is that on 20.06.2021 on receipt of credible information about transportation of ganja illegally, the Assistant Sub Inspector of Police, Narsipatnam Rural Police Station, along with staff and mediators went to Gabbada Bridge, arrested the petitioners and seized 116 kgs of dry Ganja in four gunny bags and 324 kgs of dry Ganja in 14 gunny bags, in total 440 Kgs of dry Ganja under the cover of mediators report. Basing on the said report, present crime was registered.

3. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for petitioners submits that the petitioners are in judicial custody from 20.06.2021 and the application filed by the prosecution seeking extension of time was dismissed on 13.12.2021. It is submitted that as the prosecution failed to file charge sheet and as the extension petition filed by them was

dismissed, petitioners are entitled for default bail. Hence, prays to grant bail to the petitioners.

5. Learned Assistant Public Prosecutor submits that investigation is pending.

6. Taking into consideration the fact that though the contraband that is seized from the petitioners are 440 KGs, police failed to file charge sheet within 180 days. Further the extension petition filed by them was dismissed before the Court below and as the petitioners are languishing in jail from 20.06.2021, the petitioners are entitled for default bail, on certain conditions.

7. Accordingly, the Criminal Petition is allowed. The petitioners/ A1 and A2 shall be released on bail in connection with Crime No. 76 of 2021 of Narsipatnam Rural Police Station, Visakhapatnam District, on executing self bond 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 learned Judicial First Class Magistrate, Narsipatnam, Visakhapatnam. On such release, the petitioners shall not leave the State and shall appear before the Station House Officer, Narsipatnam Rural Police Station, Visakhapatnam District, once in a week i.e. on every Saturday between 10 AM and 1.00 PM, till filing of charge sheet.

Consequently, miscellaneous applications pending, if any, shall stand closed.

JUSTICE D.RAMESH

Date: 20.12.2021
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