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**IN THE COURT OF SPECIAL JUDGE UNDER NARCOTIC DRUGS AND
PSYCHOTROPIC DRUGS-CUM-I ADDITIONAL DISTRICT AND SESSIONS
JUDGE, WEST GODAVARI :: ELURU**

Present: **Smt. P. Manga Kumari,**
Special Judge under N.D.P.S. Act-cum-
I Additional District and Sessions Judge,
West Godavari, Eluru

Monday, on this the 13th day of March, 2023

**Crl.M.P.No.198 of 2023 in Crime No.412 of 2022 of
Bhimavaram I Town Police Station**

Between:

Gogada Charan Teja, S/o.Venkataramana, Hindu, Male, 20 years, r/o. Ganivada
Village, Lakkavarapukota Mandal, Vizayanagaram Dist., Andhra Pradesh.

... Petitioner/Accused No.5.

and

The State: S.H.O., Bhimavaram I Town P.S., represented by its P.P. W.G., Eluru.
... Respondent/Complainant.

This petition has come on 09.03.2023 before me for hearing in the presence of Sri Ch.Sarath Chandra, learned Counsel for Petitioner/Accused No.5 and learned Additional Public Prosecutor for respondent, and upon perusing the record and on hearing both sides, this Court made the following:

ORDER

Petitioner/Accused No.5 filed 3rd bail application under Section 439 of Code of Criminal Procedure, 1973 in Crime No.412/2022 of Bhimavaram I Town Police Station for the alleged offence punishable under Section 8(c) r/w 20(b) (ii) (C) of Narcotic Drugs and Psychotropic Substance Act, 1985.

2. Notice given to the learned Addl. Public Prosecutor. Learned Addl. Public Prosecutor submitted C.D. File.

3. Heard arguments of learned Counsel for petitioners and learned Addl. Public Prosecutor.

4. Now the point for determination is:

Whether Petitioner/Accused No.5 can be granted bail?

5. **POINT:**

Briefly, the averments of the case of prosecution are that, on 6-12-2022 at about 11-30 a.m., on receipt of credible information about peddling at Srinivasa Center, Bhimavaram, the Sub-Inspector of Police, Bhimavaram I Town

P.S., along with his staff and revenue officials conducted raid beside railway track at the downwards of over bridge, Srinivasa Centre, Bhimavaram and noticed 5 persons who possessed with mica gunny bags with them and on seeing the police, they tried to sneak away. The S.I. of police apprehended them with the assistance of his staff and on questioning, they revealed their identity particulars and about their indulged in selling the Ganja, then the said Deputy Tahsildar examined the accused and one after another separately in the presence of Ward Revenue Secretaries and got recorded their confessional statements. A1 and A2 confessed about their purchase of Ganja from an un-known person at agency area, Vizag at a rate of Rs.1,000/- per Kg., and selling the same at the rate of Rs.5,000/- per kg., with the assistance of A-3 to A-5, for which they are paying an amount of Rs.500/- to A-3 to A-5 per Kg., and on the said confession five mica gunny bags and 10 small polythene packets containing total Ganja of **24 Kgs., 950 grams**, worth of Rs.1,24,750/- and 5 cell phones seized from the possession of A-1 to A-5, and they were arrested in the presence of mediators under the cover of mediators report, and the mahazar is registered in Cr.No.412/2022 of Bhimavaram I Town P.S., under Section 8 (c) r/w.20 (b)(ii)(C) of Narcotic Drugs and Psychotropic Substance Act.

6. Learned Counsel for Petitioner/Accused No.5 vehemently contended that the petitioner is innocent person, he did not commit any offence as alleged by the prosecution, he is nothing to do with the crime and he was falsely implicated in this case, and A-1 to A-4 are not known to the petitioner and there is no relation between them, and no Ganja was seized from the possession of the petitioner. The petitioner was arrested and remanded to judicial custody on 06.12.2022 and since then he is in Sub Jail, Bhimavaram. He further contended that the respondent examined material witnesses and recorded their statements and also prepared mediators report and prepared rough sketch and most of the investigation is completed and the petitioner is law abiding citizen and is permanent resident of Ganivada Village Lakkavarapu Kota Mandal, now he is residing at Balusumudi village, Bhimavaram and he is studying 3rd year B.Sc., Degree in D.N.R. Degree College and previous bail applications in CrI.M.P. 1012/2022 and CrI.M.P. 82/2023 were dismissed on 10.01.2023 and 15.02.2023 respectively.

Learned Counsel further contended that the petitioner will attend his degree final year exams and the exams are scheduled to be held from 18-3-2023

to 31-3-2023, and in support of his³ contention he filed Hall Ticket of the petitioner, and the petitioner is ready and willing to produce sufficient sureties for his release on bail, and requested to grant bail to the petitioner.

7. Per contra, the learned Additional Public Prosecutor opposed the bail application contending that investigation is pending.

8. Perused the material on record and C.D. File.

9. Perused the material on record and C.D. file the petitioner/accused No.5 was remanded on 06.12.2022. Investigation is at the threshold considering the grave nature of accusations and commercial quantity of Ganja was seized in this case and in view of strong prima facie material against Petitioner/Accused No.5, and considering the submission of the prosecution that the release of the petitioner/A-5 would hamper the investigation and there is no change of circumstances in the investigation from the date of dismissal of the previous bail applications till the date of filing the present petition, unless free and fair investigation is permitted the real truth and involvement of other persons if any cannot be possible to come to light. This Court is of view that for the same reasons the petitioner's request for regular bail is not considered.

10. Having Considered the submissions made by the learned Counsel for Petitioner that the petitioner has to appear degree final year exams, commence from 18-3-2023 to 31-03-2023 and in the said facts of the case, this Court inclined to grant interim bail to the petitioner/A-5 from 18-3-2023 to 31-3-2023 with certain conditions and the petition is dismissed regarding the request of the petitioner for grant of regular bail.

11. **IN THE RESULT**, the interim bail application/petition is allowed partly by granting the release of the petitioner/A5 from 14-3-2023 to 01-4-2023 for appearing to the exams subject to the following conditions:

(a) Petitioner/A5 shall execute a self-bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of II Addl. Judicial First Class Magistrate, Bhimavaram;

(b) Petitioner/A5 shall not make any attempt to tamper with the investigation;

(c) The petitioner/A5 shall surrender before the Sub-Jail, Bhimavaram, on 02-04-2023 at 10:30 a.m., and on such surrender the Superintendent is

directed to take steps to produce the petitioner/A-5 before this Court through Blue Jeans App.

(d) The Superintendent, Sub-Jail, Bhimavaram is directed to inform this Court about the compliance/non-compliance of the order to take further steps.

Typed to my dictation by the Stenographer Gr.I., on computer device directly, corrected and pronounced by me in open Court, on this the 13th day of March, 2023.



1.11.13.3.2023
**SPECIAL JUDGE UNDER N.D.P.S. ACT-CUM-
I ADDITIONAL SESSIONS JUDGE,
WEST GODAVARI, ELURU.**

Copies to:-

1. The II Addl. Judicial Magistrate of First Class, Bhimavaram.
2. The S.H.O., Bhimavaram I Town Police Station.
3. Sri Ch.Sarath Chandra, Advocate for petitioner/Accused No.5.