

IN THE COURT OF THE SPECIAL JUDGE CONSTITUTED UNDER
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT - CUM –
I ADDITIONAL SESSIONS JUDGE :: GUNTUR

PRESENT: Sri **V. Gopala Krishna Rao**,
SPECIAL JUDGE CONSTITUTED UNDER
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT - CUM –
I ADDITIONAL SESSIONS JUDGE, GUNTUR.

Friday, the 14th day of October, 2022.

CrI.M.P.No.1573/2022 in Cr.No.30/2021
of SEB Station, Mangalagiri.

Between:-

Kona Bhargav Kumar @ Bhaskar, S/o Appa Rao, 27 years,
R/o H.No.15/421-3, Edepalli, Machilipatnam, Krishna Dt. (A.2)

... **Petitioner/A.2.**

-AND-

State: Enforcement Inspector, SEB Station, Mangalagiri.

... **Respondent/Complainant.**

This petition is coming on this day for hearing before me in the presence of Sri R. Sivaji, Advocate for the Petitioner/Accused No.2 and of learned Special Public Prosecutor for complainant, and upon perusing the record, this court made the following:

ORDER

1. This is the bail application filed by Petitioner/Accused No.2 under Secs.437 and 439 of Cr.P.C. in Cr.No.30/2021 of SEB Station, Mangalagiri for the alleged offence under Sec.8(c) r/w 20(b)(ii)(B) of NDPS Act. As per the contents of the Petition, the Petitioner was remanded to judicial custody on 17-09-2022 by the learned Additional Judicial Magistrate of First Class, Mangalagiri.

2. The case of prosecution is as follows:

On 04-04-2021 the Enforcement Inspector & staff of Additional Superintendent of Police team along with staff of SEB Station, Mangalagiri conducted vehicle check at Kaza Toll Plaza for detection of illegal transportation and possession of Ganja and at about 12.40 am., i.e., early hours of 04-04-2021 they noticed one APSRTC Indra A/C Bus bearing No.AP 05 Z 266 and they detected 6 Kgs., of ganja possessed by Accused No.1 who is traveling in the bus and seized the said ganja from his possession and on questioning the Accused No.1 stated that he purchased the said ganja from Accused No.2. The prosecution further alleged that on 17-09-2022 on credible

information, the Enforcement Inspector along with his staff proceeded to Undavalli center, Tadepalli and identified the Petitioner/Accused No.2 and took him into custody and on examining the Petitioner/Accused No.2 confessed that he gave 6 kgs., of ganja to Accused No.1 previously on 3-4-2021 and when he was questioned about the source of ganja, the Petitioner/A.2 stated that he procured the said ganja in Visakhapatnam agency area from unknown person and he sold it to Accused No.1.

3. The learned counsel for the Petitioner represented that the petitioner is falsely implicated in this case.

4. Now the point for consideration is:

Whether the Petitioner is entitled to be released on bail ?

POINT:-

5. The learned Special Public Prosecutor represented that the Petitioner is Accused No.2 and accused No.1 in this case was arrested on 4-4-2021 and later released on bail and RFSL report is not received and 11 witnesses in this case are examined by the investigating officer.

6. The present crime is registered against Accused No.1 and 2 on 4-4-2021. The petitioner here in is accused No.2 and accused No.1 is released on bail . Material witness in this case are examined and accused NO.1 is also released on bail and the petitioner is in jail since 28 days, therefore I find it is a fit case to grant bail to the petitioner. Hence the petition is allowed.

7. In the result, the bail application is allowed and the petitioner/Accused No.2 shall be enlarged on bail on his executing a bond of Rs. 25,000/- with 2 sureties for like sum to the satisfaction of the Learned Additional Judicial Magistrate of First Class, Mangalagiri.

Dictated to the shorthand writer, transcribed by her, corrected and pronounced by me on this the 14th day of October, 2022.

Sd/- Sri V. Gopala Krishna Rao,
I ADDL. SESSIONS JUDGE, GUNTUR.
-cum-SPECIAL JUDGE CONSTITUTED UNDER
NARCOTIC DRUGS AND PSYCHOTROPIC
SUBSTANCES ACT, GUNTUR.

