

**IN THE COURT OF METROPOLITAN SESSIONS JUDGE-cum-  
I ADDITIONAL DISTRICT & SESSIONS JUDGE - SPECIAL JUDGE FOR  
TRIAL OF OFFENCES UNDER NDPS ACT: VISAKHAPATNAM**

**Present: Sri M.Tirumala Rao,**  
III Addl. District & Sessions Judge-cum-  
Special Judge for SPE & ACB Cases,  
FAC/ Metropolitan Sessions Judge-cum-  
Special Judge for trial of offences Under NDPS Act, Visakhapatnam

**Wednesday, the 21<sup>st</sup> day of December, 2022.**

**CRL.M.P.No.4718/2022**  
(Cr.No.127/2022 of S.E.B. Station, Paderu)

Between:

Chetti Rambabu, S/o Rajarao, 28 yrs, Valmiki (ST) by caste,  
R/o main street, Kummari Veedhi village, Pedabayalu Mandal,  
ASR District

... **petitioner/A1**

And:

The State represented by Station House Officer, S.E.B. Station,  
Paderu

...Respondent/Complainant

*This petition came before me on 20.12.2022 for final hearing in the presence of Sri Abdus Saleem, Sri V.Gangaraju, Sri P.Sumathi, Advocates for petitioner/A1 and of Sri N.Kalidas Reddy, learned Special Public Prosecutor for Respondent/Complainant and the matter having stood over for consideration till this day, this Court made the following:*

**ORDER**

1. This is a bail application filed by the petitioner/A1 under Sec.439 r/w Sec.167(2) of Cr.P.C., praying the court to enlarge him on bail in Cr.No.127/2022 of S.E.B. Station, Paderu for the offence punishable under Sec.20(b)(ii)(C) r/w 8(c) of NDPS Act, 1985 in the circumstances stated by him in detail in the application.

2. Upon the information, on 13.06.2022 Enforcement Inspector, S.E.B. Station, Paderu along with his staff and mediators found A1 with **2.5 kgs of Hashish oil** and seized it in the presence of mediators and recorded the confessional statement under cover of a mediatorsnama and registered the same as a case in Cr.No.127/2022 of S.E.B. Station, Paderu for the offence punishable under Sec.20(b)(ii)(C) r/w 8(c) of NDPS Act, 1985 and produced the A1 before the learned Judicial First Class Magistrate, Paderu on 13.06.2022 for remand and he was remanded to judicial custody on same day and he is lingering in Central Prison, Visakhapatnam. The investigation is still pending.

3. The contention of petitioner is that he never committed any offence much less the offence as alleged by the prosecution and never possessed ganja and he was falsely implicated in the above crime by planting ganja and he is having sufficient sureties and sole bread winner of his family and ready to furnish sureties and obey any conditions that may be imposed by the court and statutory period is completed and he prays to enlarge him on bail.

4. Notice given to Special Public Prosecutor who submitted C.D. and submitted that A1 was arrested on 13.06.2022 and by now statutory period is completed.

5. Heard both sides.

6. The point arose for determination in this petition is as follows;

**1. Whether the petitioner/A1 is entitled to be released on bail under Sec.439 r/w Sec.167(2) of Cr.P.C in the above crime or not?**

**2. To what relief?**

7. **Point :**

Police registered a case against A1 in Cr.No.127/2022 of S.E.B. Station, Paderu for the offence punishable under Sec.20(b)(ii)(C) r/w 8(c) of NDPS Act, 1985 under which police seized **2.5 kgs of Hashish oil** under cover of a mediatonama on 13.06.2022. The petitioner/A1 was arrested on 13.06.2022 and since then he has been lingering in Central Prison, Visakhapatnam. Since then for **188 days** petitioner is in jail. Even till today the police failed to file charge-sheet. The petitioner is entitled for bail by default u/s 439 r/w Sec.439 r/w Sec.167(2) Cr.P.C. A1 *is resident of main street, Kummari Veedhi village, Pedabayalu Mandal, ASR District and he being local*, this court is inclined to grant bail to the petitioner/A1 by imposing conditions.

8. ***IN THE RESULT,***

- i. the bail application filed by A1 is allowed and A1 is order to be released on bail on his executing a self bond for **Rs.50,000/- (Rupees fifty thousand only)** with two sureties for like sum each to the satisfaction of Judicial First Class Magistrate, Paderu;
- ii. Further to vigil over the petitioner, he is specifically directed to attend before the SHO, S.E.B. Station, Paderu for the purpose of investigation on every Sunday between **09.00 a.m. to 01.00 p.m.** till 06 months or till the charge-sheet is filed whichever is earlier.

*Typed to my dictation by the Stenographer-Gr.I, corrected and pronounced by me on this 21<sup>st</sup> day of December, 2022.*

Sd/- M.Tirumala Rao,  
*III Addl. District & Sessions Judge-cum-  
Special Judge for SPE & ACB Cases,  
FAC/Metropolitan Sessions Judge, Visakhapatnam*

Copies to :

1. The Judicial First Class Magistrate, Paderu
2. The Superintendent, Central Prison, Visakhapatnam
3. The SHO, S.E.B. Station, Paderu
4. The learned counsel for the petitioner