

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

Present: Smt. G. Sridevi,
Metropolitan Sessions Judge-cum-
Special Judge for trial of offences Under NDPS Act,
Visakhapatnam.

Monday, the 17th day of October, 2022.

CRL.M.P.No.3829/2022
(Cr.No.146/2022 of Harbour police station)

Between:

Vargiparthi Rajesh, S/o late Ravi, 22 yrs, R/o near Mariadas
Kalyanamandapam, Sebastian colony, Gnanapuram, Kancharapalem,
Visakhapatnam

... petitioner/A3

And:

The State represented by Station House Officer, Harbour police station
...Respondent/Complainant

This petition has come up on this day for final hearing before this Court in the presence of Sri M.Jhansi Ranibai, Advocate for petitioner/A3 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 1st petition is filed by the petitioner/A3 under Sec.439 of Cr.P.C., to enlarge him on bail in Cr.No.146/2022 of Harbour police station, Visakhapatnam city for the offence punishable under Sec.20(b)(ii)(B) of NDPS Act, 1985.

2. The averments of the petition, in brief, are as follows:

i) On 04.09.2022 on receipt of credible information, ASI-2275, Harbour police station along with his staff and mediators proceeded to new flyover bridge down, near convent junction, Visakhapatnam city and found the petitioners. He arrested A1 to A7 and seized one Vimal khaini bag containing 8000 drugs tablets viz., 1. Alpronolam tablets - 3560 nos, Pyeevon Spas plus tablets- 3720 nos, Spasmo Proxvyn - 720 nos, 05 kgs of ganja and one knife under cover of a mediators report besides drawing samples.

The arrested accused and seized property were taken to Harbour police station. Basing on the said mediators report, a case in Cr.No.146/2022 of Harbour police station for the offence punishable under Sec.20(b)(ii) (B) of NDPS Act, 1985 was registered and submitted

copies to concerned. The petitioner/A3 was produced before the learned Chief Metropolitan Magistrate, Visakhapatnam on 05.09.2022 for remand. The petitioner is in judicial custody since then. The investigation is on.

3. The averments of the petition, in brief, are as follows:

The petitioner is innocent person and did not commit any offence. He was falsely implicated in this case. The petitioner is ready to produce solvent sureties and he is having permanent residence and material part of investigation is completed. Petitioner's wife is pregnant and he has to look after her. Therefore, the petitioner prays to enlarge him on bail.

4. Heard the learned counsel for the petitioner and learned Special Public Prosecutor.

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

Whether the petitioner/A3 can be enlarged on bail under Sec. 439 of Cr.P.C in Cr. No.146/2022 of Harbour police station ?

6. **Point :**

On perusal of the record, ASI-2275, Harbour police station arrested the A1 to A7 and seized Vimal khaini bag containing 8000 drugs tablets viz., 1. Alprazolam tablets -3560 nos, Pyeelon Spas plus tablets- 3720 nos, Spasmo Proxvyn - 720 nos, 05 kgs of ganja and one knife under cover of a mediators report. The petitioner/A3 was remanded to judicial custody on 05.09.2022. The investigation is in progress. This court found prima facie accusation against the petitioner and at this stage this court cannot go into merits of the case. Therefore, this court is of the view that it is not a fit case to grant bail at this stage. Hence this petition is dismissed.

Z. In the result, the petition is dismissed.

Directly typed to my dictation by the Stenographer-Gr.I, corrected and pronounced by me on this 17th day of October, 2022.

Sd/- G.Sridevi,
METROPOLITAN SESSIONS JUDGE,
VISAKHAPATNAM