

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI



MONDAY, THE ELEVENTH DAY OF MARCH,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

CRIMINAL PETITION NO: 934 OF 2024

Between:

Purna Chandra Pujari @ Purnu, S/o. Kamalu Pujah, aged about 26 Years,
Mallambel village, Padua Police Station, Balda Panchayathi, Nandapur Block,
Koraput District Odissa State.

...Petitioner/Accused-A2

AND

The State of Andhra Pradesh, Rep. by its Public Prosecutor, High Court of
Judicature of Andhra Pradesh At Amaravati

...Respondent/Complainant

Petition under Section 437 & 439 of Cr.P.C, praying that in the circumstances stated in the memorandum of grounds filed in support of the Criminal Petition, the High Court may be pleased to release the petitioner/Accused - A2 on bail in Cr.No.186 of 2023 on the file pachipenta police station, Paravathi Puram.

The petition coming on for hearing, upon perusing the Petition and the memo of grounds filed in support thereof and upon hearing the arguments of Sri Kakumanu Joji Amrutha Raju, Advocate for the Petitioner and of Assistant Public Prosecutor for the Respondent, the Court made the following

THE HON'BLE SRI JUSTICE T.MALLIKARJUNA RAO

CRIMINAL PETITION No.934 of 2024

ORDER:

This Criminal Petition under Sections 437 and 439 of Cr.P.C., has been filed by the petitioner/A2 seeking regular bail in Cr.No.186/2023 of Pachipenta Police Station, Parvathipuram District.

2. The above said crime was registered against the petitioner herein and others for the offence punishable under Section 20(b)(ii)(B) read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

3. The case of the prosecution is as follows:

On 25.12.2023, the S.I. of Pachipenta Police Station, on receipt of credible information about illegal possession and transportation of ganja, secured the presence of staff and mediators and rushed to P.Konavalasa check post and conducted vehicle checking. They noticed one person coming on motorcycle and when they tried to stop that bike, the said person who is A1 in this Crime stopped his bike at a distance and tried to ran away. Police apprehended him and on interrogation, he disclosed his identity particulars and seized 5.5kgs of ganja from his possession. On his confession statement arrested the petitioner/A2 on 26.12.2023 at RTC Complex, Salur and sent him to judicial custody.

4. Learned counsel for the petitioner contended that even according to the case of the prosecution, the petitioner was arrested only basing on the confession of co-accused and the petitioner is languishing in jail from 26.12.2023 and prays to enlarge him on bail.

5. On the other hand, learned Assistant Public Prosecutor also confirms non-filing of charge sheet by the police and opposed for grant of bail to the petitioner. He further submitted that the petitioner has no previous antecedents.

6. Heard both sides.

7. Now, the point for consideration is:

Whether the petitioner/A2 can be released on grant of bail?

POINT:

8. Perused the entire material on record.

9. Learned counsel for the petitioner submitted that the contraband alleged to be seized from the A1 is only 5.5kgs which is not of commercial quantity and basing on the confession of co-accused, the petitioner was arrested. The petitioner has got permanent abode and there is no possibility of his fleeing away from justice. As seen from the record, most of the witnesses are shown to be official witnesses and the release of the accused would not cause hampering of investigation and also keeping note of the fact that the contraband said to be seized in

this crime is 5.5kgs and this Court found that further detention of the petitioner is not required to conduct further investigation as most of the investigation might have been completed, this Court is inclined to grant bail to the petitioner.

10. In the result, the criminal petition is allowed with the following conditions:

- i. The petitioner herein shall be released on bail on his executing a personal bond for Rs.10,000/- (Rupees ten thousand only) with two (02) sureties for a like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Salur;
- ii. After release, the petitioner shall attend before the Station House Officer concerned once in a fortnight i.e. on every Second and fourth Sunday's in between 10.00am to 01.00pm for a period of three months; and
- iii. that the petitioner is directed not to hamper the investigation and tamper with the prosecution witnesses.

Sd/- G. SRINIVAS REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Judicial Magistrate of First Class, Salur.
2. The Special Judge for Trial of Cases under NDPS Act-Cum-I Additional Sessions Judge, Vizianagaram.
3. The Station House Officer, Pachipenta Police Station, Parvathipuram District.
4. The Superintendent, Central Prison, Visakhapatnam, Visakhapatnam District.
5. One CC to Sri Kakumanu Joji Amrutha Raju, Advocate [OPUC]
6. Two CCs to Public Prosecutor (AP) High Court of Andhra Pradesh [OUT]
7. **One spare copy**

HIGH COURT

TMR,J

DATED:11/03/2024

BAIL ORDER

CRLP.No.934 of 2024

ALLOWED

