

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE SIXTEENTH DAY OF APRIL,
TWO THOUSAND AND TWENTY FOUR



:PRESENT:

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO
CRIMINAL PETITION NO: 1863 OF 2024

Between:

1. Akash, Age 21 years, R/o 44/82A, Anbalagan Street, Kakknji colony, Bysarpadl, Chennai, Tamil Nadu.
2. S.Naseer, S/o Sadhik Bhasa, Age 27 years, R/o D.No.178, Annai Indranagar, Red hills, Chennai-52.

...Petitioners/A-8 and A-9

AND

State of Andhra Pradesh, represented by its Public Prosecutor, High Court of Andhra Pradesh at Amaravathi.

...Respondent/Complainant

Petition under Section 437 and 439 of Cr.P.C, praying that in the circumstances stated in the grounds filed in support of the Criminal Petition, the High Court may be pleased to consider the same and release the Petitioners/A-8 and A-9 on bail in Cr.No.30/2023 of Sileru Police Visakhapatnam District on such terms and conditions as the Station, Honourable Court deems fit and proper under the light of the circumstances of the case, in the interest of justice.

The petition coming on for hearing, upon perusing the Petition and the grounds filed in support thereof and upon hearing the arguments of Mr.G.Maheswara Rao, Advocate for the Petitioner and of Public Prosecutor for Respondent and the Court made the following

ORDER:

1. This Criminal Petition, under Sections 437 and 439 of Cr.P.C., has been filed by the Petitioners/Accused Nos.8 and 9, seeking regular bail in Cr.No.30/2023 of Sileru Police Station.
2. The above crime was registered against the Petitioners and others for the offence punishable under Sections 20(b)(ii)(c) r/w 25, 8(c) of NDPS Act.
3. The Prosecution's case, in brief, is that on 30.09.2023, the Sub Inspector of Sileru Police Station, received information about illegal transportation of Ganja, secured the mediators and rushed to A.P.Gen.,Co., check Post, Sileru of G.K.Veedhi along with his staff and mediators and started conducting vehicle checking. He found one Blue colour car coming

Prosecutor filed a petition viz., Crl.M.P.No.407 of 2024 before the trial Court seeking for extension of the remand period to conduct further investigation. Learned Special Judge dismissed the said petition by observing that:

The contents of the petition filed by the prosecution show that the prosecution did not file charge sheet and it does not contain the progress of the investigation made by the officials in a chronological order. Moreover A.10 and A.5 have been in judicial custody for the past more than 180 days. The petition doesn't show as to for doing what part of investigation, the prosecution is seeking extension of remand period of A.10 and A.5. Under the facts and circumstances of this case, this Court is not inclined to allow the petition.

8. The submissions made by the learned counsel for the Petitioners show that the learned Special Judge already granted bail to A.5 (vide Crl.M.P.No.394 of 2024) and A.10 (vide Crl.M.P.No.225 of 2024). Learned counsel for the Petitioner further contends that the case of the A.5 and A.10 also stands on the same footing as that of the Petitioners/A.8 and A.9. To consider the said submissions, I have gone through the mediator report and other material placed on record.

9. It is clear from the record that despite expiry of the statutory period, the Investigating officer could not file the charge sheet before the trial Court, as such the petitioner is entitled for statutory bail and the learned Special Judge also has not inclined to extend the remand period.

10. In the said facts of the case, this Court is inclined to grant regular bail to the Petitioners/A.8 and A.9 under the following conditions:

- (a) Petitioners/Accused shall be released on bail on executing a personal bond for Rs.1,00,000/- (Rupees One Lakh Only) with two sureties for the like sum each to the satisfaction of the Judicial Magistrate of First Class, Chinthapalli.

- (b) On release, the Petitioners/Accused shall appear before the Investigating Officer concerned once in a week i.e., on every Sunday between 10.00 AM and 01.00 PM for a period of six months or till filing of the charge sheet whichever is earlier.
- (c) The Petitioners/Accused shall not directly or indirectly contact or threaten the witnesses under any circumstances and any such attempt shall be construed as an attempt to influence the witnesses and shall not tamper evidence and shall cooperate with the investigation.
- (d) It is made clear that the Petitioners shall scrupulously comply with the above conditions and breach of any of the above conditions will be viewed seriously and prosecution is at liberty to move an application for cancellation of the bail. However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

11. Accordingly, the Criminal Petition is **allowed**.

Miscellaneous applications pending, if any, shall stand closed.

Sd/-U.SRIDEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Metropolitan Sessions Judge cum I Additional District Sessions Judge-Special Judge for Trial of offences under N.D.P.S. Act at Visakhapatnam.
2. The Judicial First Class Magistrate, Chinthapalli, Visakhapatnam District
3. The Superintendent, Central Prison, Visakhapatnam District.
4. The Station House Officer, Sileru Police Station, Visakhapatnam District.
5. One CC to SRI. GOLLAPALLI MAHESWARA RAO Advocate [OPUC]
6. Two CCs to PUBLIC PROSECUTOR, High Court of A.P., Amaravati.[OUT]
7. One spare copy.

PSD

HIGH COURT

TMR,J

DATED:16/04/2024

BAIL ORDER

CRLP.No.1863 of 2024

ALLOWED

