

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**FRIDAY, THE THIRTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE MS JUSTICE B S BHANUMATHI

CRIMINAL PETITION NO: 2201 OF 2023



Between:

**Mukudupalli Lokesh @ Mukudupalli Nageswararao, S/o Nookaraju, 40 years,
R/o. D.No.71, SC Colony, Vaddipa, Visakhapatnam.**

...Petitioner/A-2

AND

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

...Respondent/Complainant

**Petition under Section 438 of Cr.P.C praying that in the circumstances
stated in the Memorandum of Grounds of Criminal Petition, the High Court may be
pleased to consider the said facts and grant Anticipatory bail to the petitioner and
direct the Station House Officer, Payakaraopeta Police Station, Anakapalli to
release the petitioner on bail on producing sureties as ordered by this Honourable
Court in the event of his arrest in the above case in Crime No. 278/2022.**

**This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri Gollapalli
Maheswara Rao, Advocate for the Petitioner and the Public Prosecutor on behalf
of the Respondent**

The Court made the following:

THE HON'BLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.2201 of 2023

ORDER :

This Criminal Petition is filed seeking anticipatory bail under Sections 438 of the Code of Criminal Procedure, 1973 ('CrPC') to petitioner/A.2 in Crime No.278 of 2022 of Payakaraopeta Police Station registered on 22-08-2022 for the offence under Section 20(b) (ii) (B), 25 r/w 8 (c) of NDPS Act.

2. Heard learned counsel for the petitioner/Accused and Sri.P.M.Mithileswara Reddy, the learned Special Assistant Public Prosecutor representing the respondent/State.

3. The case of prosecution, in brief, is that A.1 was caught carrying 10 kgs of ganja on 22.08.2022 on a TVS Scooty bearing No.AP 31 MQ 9361 and when he was questioned about the same, he stated to have purchased the same from the petitioner/A.2 and that the scooty belongs to the petitioner. He further stated that the cell phone of the petitioner bear No.8121574726 and when the police tried to talk to the same number, the phone was switched off. Police seized the cell phone as well as the scooty apart from ganja.

4. Learned counsel for the petitioner submitted that a false case was foisted and except the alleged confession of A.1, there is no other evidence to implicate the petitioner.

5. Learned Special Assistant Public Prosecutor opposed the petitioner and submitted that the scooty belongs to the petitioner and call data was under scrutiny as the details are not so far received, but applied.

6. The investigation is still pending and the call data is yet to be received. Moreover, there is no proper explanation as to why the vehicle of the petitioner is with A.1 while carrying contraband. Therefore, it cannot be a case of mere confession of co-accused, but there is material evidence connecting the petitioner to the commission of offence by using his vehicle. Therefore, it is not a case fit to grant anticipatory bail.

7. In the result, the petition is dismissed.

Pending miscellaneous applications, if any, shall stand closed.

SD/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Metropolitan Sessions Judge-cum-I Additional District and Sessions Judge -Special Judge for Trial of Offences under NDPS ACT, Visakhapatnam, Visakhapatnam District.
2. The Station House Officer, Payakaraopeta Police Station, Anakapalli District
3. One CC to Sri. Gollapalli Maheswara Rao Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court of Andhra Pradesh at Amaravathi [OUT]
5. Two CD Copies

TK
sree

Bhargava

HIGH COURT

DATED:31/03/2023



ORDER

CRLP.No.2201 of 2023

7 Copies
PBIC
28/7/23

DISMISSING THE CRIMINAL PETITION