

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

PRESENT
HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO

CRIMINAL PETITION NO: 8238 OF 2023



Between:

Hamasabarugula Vishnu Kumar @ Vishnu, S/o Brahmam, 31 yrs., ST/Erukala
r/o. near Kothapeta school, Kothapet, Biccavole village And Mandal, East
Godavari district.

...Petitioner/Accused No.10

AND

The State Of Andhra Pradesh, Rep by its Public Prosecutor High Court of
Andhra Pradesh at Amaravati Through The Station House Officer I Town
(L &O) P.S., Kakinada.

...Respondent/Complainants

Petition under Section 437 & 439 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 enlarge the Petitioner/Accused No10 on regular
bail in connection with Cr.No.209/2023 on the file of I Town (L&O) P.S.,
Kakinada, East Godavari district.

This Petition coming on for hearing, upon perusing the Memorandum of
Grounds of Criminal Petition and upon hearing the arguments of Sri G.Kumar.Y
Advocate for the Petitioner and the Public Prosecutor on behalf of the
Respondent.

The Court made the following:

THE HONOURABLE SRI JUSTICE T.MALLIKARJUNA RAO

CRIMINAL PETITION NO.8238 of 2023

ORDER:

This Criminal Petition, under Sections 437 and 439 of Cr.P.C., has been filed by the petitioner/A10, seeking regular bail, in Crime No.209 of 2023 of Kakinada I Town Police Station.

2. A case has been registered against the petitioner herein and others for the offence punishable under Section 8(c) read with 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

3. As per the case of prosecution that on 18.08.2023 at 1-30 P.M. S.I of Police, I Town Police Station, Kakinada, along with staff and mediators conducted raid at near the compound wall adjacent to Sarvaraya Textiles, Budampeta, Kakinada, after noticing ten persons on suspicious circumstances and on search petitioner/Accused No.10 and other accused were in possession of Ganja which is weighing of 23.1 Kgs in two bags. The accused were arrested and contraband was seized under the cover of a mediators report.

4. Notice is given to learned Assistant Public Prosecutor and he submitted C.D file.

5. Heard counsel for Petitioner/Accused No.10 the learned Assistant Public Prosecutor.

6. The learned counsel for Petitioner/Accused No.10 submitted that petitioner/Accused No.10 is innocent and police implicated him in this case when he went to the police station in connection with theft case.

7. The learned Assistant Public Prosecutor opposed to grant bail to Petitioner/Accused No.10 on the ground that the investigation is not completed and prayed to dismiss the petition.

8. Now the point for consideration is:

Whether the request of Petitioner/Accused No.10 for grant of bail can be acceded to?

POINT:

9. Perused the material on record, contents of F.I.R., mediator report and statements of various witnesses came to be recorded.

10. As per the case of prosecution that Petitioner/Accused No.10 along with other accused was caught red handedly while illegally transporting contraband Ganja weighing about 23.1 Kgs., as the investigation is in progress, release of accused may hamper the investigation process and Section 37 of N.D.P.S. Act, 1985 has application to the present facts as the commercial quantity of Ganja said to be seized from the possession of accused and considering the grave nature of accusation, the request for grant of bail is found not convincing and the petitioner/Accused No.10 is not entitled to be released on bail.

11. In the result, the petition is dismissed.

SD/- B. PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

To,


SECTION OFFICER

1. The III Additional Judicial First Class Magistrate, Kakinada, E.G District.
2. The Station House Officer, Kakinada I Town (L & O) Police Station, Kakinada, E.G District
3. One CC to Sri. G.Kumar, Y Advocate [OPUC]
4. Two CCs to the Public Prosecutor, High Court Of Andhra Pradesh Amaravathi [OUT]
5. Three CD Copies

PZ.

Pvd

Prityandee

HIGH COURT

DATED:31/10/2023

ORDER

CRLP.No.8238 of 2023



DISMISSING THE CRLP

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