

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
WEDNESDAY, THE THIRTY FIRST DAY OF JANUARY,  
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO  
CRIMINAL PETITION NO: 232 OF 2024



Between:

1. Pulibanti Venkata Prasad & Battery Prasad, S/o. Satyanarayana, Aged about 36 years, R/o.D.No.21-68, Sri Lakshmi Theater Center, Main Road, Payakaraopeta, Anakapalli.
2. Chitturi Anji, S/o. Appa Rao, Aged about 40 years, R/o.D.No.1-140, Gidaji Village, Rowthulapudi M, Now at Sri Lakshmi Theater Center, Main Road, Payakaraopeta, Anakapalli.

...Petitioner/

A-8 & A9

AND

The State of Andhra Pradesh, SHO, Tuni SEB P.S., Represented by its Public Prosecutor, High Court of Andhra Pradesh at Amaravati, Guntur District.

...Respondent

Petition under Section 437 & 439 of Cr.P.C is filed praying that in the circumstances stated in memorandum of grounds of Criminal Petition, the High Court may be pleased to enlarge the Petitioners/A8 & A9 on Regular Bail in respect to the Crime No.180/2023 dt.02.11.2023 on the file of Tuni SEB Station, East Godavari District;

The petition coming on for hearing, upon perusing the Petition and memorandum of grounds of criminal petition and upon hearing the arguments of Sri Kochiri Raja Shekar, Advocate for the Petitioners and Public Prosecutor for the Respondent, the Court made the following;

ORDER:

**THE HON'BLE SRI JUSTICE T.MALLIKARJUNA RAO**

**CRIMINAL PETITION No.232 of 2024**

**ORDER:**

This Criminal Petition under Sections 437 and 439 of Cr.P.C., has been filed by the petitioners/A8 and A9 seeking regular bail in Cr.No.180/2023 of SEB, Tuni, East Godavari District.

2. The above said crime was registered against the petitioners/A8 and A9 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. The case of the prosecution is as follows:

On 02.11.2023, the SI of police, SEB, Tuni, on credible information about illegal transportation of ganja, secured the presence of mediators and rushed to S.Pydipala Village at the gravel road, after noticing white colour Swift Dzire car and four motorcycles and persons sitting thereon by carrying bags, on seeing the police, they tried to ran away. Then the police apprehended them and on interrogation disclosed their address particulars as A1 to A9 and on search found 64kgs of ganja. After observing all formalities, remanded A1 to A9 to judicial custody.

4) Learned counsel for the petitioner contended that as per the mediators report, the contraband was in total 62kgs. But the seizure was done independently which was specifically stated in the mediators report and A8 was found in possession of 4kgs of ganja and A9 was found in possession of 4kgs of

ganja which is below commercial quantity. As such prays to enlarge the petitioners on bail.

5. On the other hand, learned Assistant Public Prosecutor confirms non-filing of charge sheet by the police and opposed to grant bail to the petitioners. He further submitted that A8 is involved in another case relating to NDPS cases

6. Heard both sides.

7. Now, the point for consideration is:

*Whether the petitioners/A8 and A9 can be released on grant of bail?*

**POINT:**

8. Perused the entire material on record.

9. As seen from the contents of the remand report A1 to A5 proceeded in a car and purchased 32 packets of ganja each packet weighing about 2kgs, from A10 by paying amount. Petitioners along with some other accused persons purchased ganja from A1 to A4. In the said facts of the case, this Court found that A5 to A7 and petitioners independently purchased ganja from A1 to A4. As such it cannot be considered that the petitioners along with other accused were in collective possession of the ganja.

10. Considering the quantity of contraband said to be seized from the petitioners is not of commercial quantity and the petitioners have been in judicial custody from 02.11.2023, this Court is inclined to grant bail to the petitioners, but with some conditions.

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

i. The petitioners herein shall be released on bail on their executing a personal bond for Rs.10,000/- (Rupees ten thousand only) each with two (02) sureties for a like sum each to the satisfaction of the learned Additional Judicial First Class Magistrate, Tuni;

ii) After release, the petitioners shall appear before the Station House Officer concerned, on every Sunday between 10.00am to 12.00noon for a period of two (02) months; and

iii) that the petitioners are directed not to hamper the investigation and tamper with the prosecution witnesses.

//TRUE COPY//

Sd/- K.TATA RAO  
DEPUTY REGISTRAR

Foi SECTION OFFICER

To,

1. The learned Additional Judicial First Class Magistrate, Tuni.
2. The Superintendent, Central Jail, Rajahmundry. *EEDT*
3. The Station House Officer, Tuni SEB Police Station.
4. One CC to Sri. Kochiri Raja Shekar, Advocate [OPUC]
5. Two CCs to Public Prosecutor, High Court of AP [OUT]
6. One spare copy

MM



HIGH COURT

TMR,J

DATED:31/01/2024

ORDER

CRLP.No.232 of 2024

ALLOWED

