

# **Tallam Anjaneyulu Tellam Anjaneyulu, vs The State Of Andhra Pradesh on 16 September, 2021**

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION NO.5151 of 2021

ORDER:

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This petition is filed under Sections 438 of Criminal Procedure Code, 1973 (for short 'Cr.P.C.') seeking pre-arrest bail to petitioner/ A-10 in the event of his arrest in connection with Crime No.28 of 2020 of Nagarjuna Sagar Police Station, Guntur District, wherein the petitioner is alleged to have committed the offences punishable under Sections 188, 273, 328, 420 r/w 34 of the Indian Penal Code, 1860 (for short "IPC"), Section 20 (b) r/w 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act") and Sections 57, 58 & 63 of the Food Safety and Standards Act, 2006 (for short "FSS Act").

2. The case of prosecution is that on 25.02.2020 at 4.00 p.m. the Sub Inspector of Police, Nagarjuna Sagar Police Station along with his staff and mediators on credible information was conducting vehicle checking at T.Road Junction, Nagarjuna Sagar and they stopped Ashok Leyland Mini truck and on inspection they found A-1, A-2 and A-4 were transporting Ganja and Khaini sachets in the said vehicle. Police arrested them and seized the contraband under the cover of mediators report. Basing on the confession of the accused, the petitioner herein was arrayed as A-10 in the above crime.

3. Heard Sri Kambhampati Ramesh Babu, learned counsel for petitioner and learned Assistant Public Prosecutor for respondent-State.

4. Learned counsel for petitioner submits that the petitioner was arrayed as A-10 in the above crime basing on the confession made by A-1 that he used to supply Ganja to the petitioner and other person. He submits that in the present crime 1500 grams of Ganja is alleged to have been seized from the accused and it is not the case of the prosecution that anything has been recovered from the petitioner. Even it is the confession of accused that they used to supply the same to the petitioner. He submits that as far as the petitioner is concerned, nothing has been seized from the petitioner and there are no allegations against the petitioner, as such his case may be considered for grant of pre-arrest bail.

5. Per contra, learned Assistant Public Prosecutor submits that only basing on the confession of other accused, the petitioner is arrayed as A-10 and as per their confession, it is clear that A-1 used to procure Ganja and used to supply the same to the petitioner and other person. Since the offence is under NDPS Act, the petitioner is not entitled for pre-arrest bail.

6. Taking into consideration the fact that in this case nothing has been seized from the possession of petitioner and it is also not the case of accused that they have supplied Ganja to the petitioner, this Court deems it appropriate to grant pre-arrest bail to the petitioner.

7. Accordingly, the Criminal Petition is allowed. The petitioner / A-10 shall be enlarged on bail in the event of his arrest in connection with Crime No.28 of 2020 of Nagarjuna Sagar Police Station, Guntur District on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of Station House Officer, Nagarjuna Sagar Police Station, Guntur District.

Consequently, miscellaneous applications pending, if any, shall stand closed.

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LALITHA KANNEGANTI, J 16th September, 2021 PVD  
THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI (Allowed) CRIMINAL PETITION NO.5151  
of 2021 16th September, 2021 PVD