

# Hanumantharao Alias Tholichuri ... vs The State Of Andhra Pradesh on 20 October, 2021

HONOURABLE SMT. JUSTICE LALITHA KANNEGANTI

Criminal Petition No.5704 of 2021

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Code of the Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking regular bail to the petitioner/A.6 in connection with Crime No.32 of 2020 of Durgi Police Station, Macherla Rural Circle, Guntur District, for the offences punishable under Section 188, 279, 420 read with 34 of the Indian Penal Code and Section 20(b) read with 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "NDPS Act") and Sections 58, 59, 63 of Food Safety and Standard Act, 2006.

2. The case of prosecution is that on 20.02.2020 at 4.00P.M., on receipt of credible information about illegal possession and transportation of ganja, the Sub-Inspector of Police, Durgi Police Station, on securing staff and mediators, proceeded to the fields of Jakka Ramesh at Gajapuram village and found some machinery running sound where four persons started manufacturing of Ganja mixed with Gutka and Khaini products for selling the same to required persons and on seeing the police, the said persons tried to skulk away, but the police apprehended them and found 10Kgs of ganja and seized the same under the cover of mediator's report. Basing on the said mediator's report, the present crime has been registered. The petitioners were arrested on 27.09.2021 and remanded to judicial custody.

2 LK, J

3. Heard Sri M. Bala Satyanarayana Reddy, learned counsel for the petitioner and the learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner/A.6 submits that the petitioners have not committed any offence much less the offence with which he is charged and that the petitioner has nothing to do with the alleged seizure of contraband. He further submits that the petitioner has been falsely implicated in the alleged crime. He further submits that the contraband that is seized from the possession of the petitioner is 10Kgs which is not a commercial quantity, hence, his case may be considered for grant of bail.

5. On the other hand, the learned Assistant Public Prosecutor submits that the investigation is still pending, as such, the petitioner is not entitled for grant of bail. He does not dispute the fact that the contraband that is seized from the possession of the petitioners is 10Kgs, which is not a commercial quantity.

6. Taking into consideration the fact that the contraband that is seized from the possession of the petitioners is 10Kgs, which is not a commercial quantity, as such, there is no bar under Section 37 of

the NDPS Act, and further nothing is placed on record to show that the petitioners are habitual offenders, this Court deems it appropriate to grant bail to the petitioner.

7. Accordingly, this Criminal Petition is allowed. The petitioner/A.6 shall be enlarged on bail in connection with 3 LK, J Crime No.32 of 2020 of Durgi Police Station, Macherla Rural Circle, Guntur District, on executing self bond for Rs.50,000/- (Rupees fifty thousand only) with two sureties for a like sum each to the satisfaction of the Court of the Additional Junior Civil Judge, Macherla, Guntur District. On such release, the petitioner shall appear before the Station House Officer, Durgi Police Station, Macherla Rural Circle, Guntur District, once in a week i.e. on every Saturday between 10.00 AM and 1.00 PM, till filing of charge sheet.

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LALITHA KANNEGANTI, J Date: 20.10.2021 Ksn