

HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

CRIMINAL PETITION No.2436 OF 2022

ORDER:-

This criminal petition under Section 439 of the Code of Criminal Procedure, 1973 is filed to enlarge the petitioner on bail.

2. The petitioner is the sole accused in Crime No.192 of 2021 of Special Enforcement Bureau Station, V.Madugula, Visakhapatnam District.

3. A case under Section 8(c) read with Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS' Act) was registered against the petitioner in the above crime.

4. As per the prosecution case, on 29.07.2021, when the petitioner was illegally transporting about 55 KGs of ganja in a car that he was apprehended by the police and the contraband was seized from his possession. Therefore, it is stated that the petitioner has committed the aforesaid offence.

5. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

6. The petitioner was arrested on 29.07.2021 and since then he has been languishing in jail for the last more than 240 days period of time. As per the submission made by learned Additional Public Prosecutor, the entire investigation in this case is completed and charge sheet was also filed. Therefore, in the said facts and circumstances of the case, his further

incarceration is not warranted. So, he is entitled to bail. However, in view of the apprehension expressed by learned Additional Public Prosecutor that as the petitioner is resident of Uttarpradesh State that he may abscond if he is released on bail and it would be difficult for the police to nab him to secure his presence for trial, he is entitled to bail on certain conditions.

7. Resultantly, the Criminal Petition is allowed. The petitioner is ordered to be enlarged on bail on execution of self bond for Rs.2,00,000/- (Rupees two lakhs only) with two sureties who shall be the solvent sureties and local sureties and they shall be the permanent residents of Visakhapatnam District, for the like sum to the satisfaction of the learned Judicial Magistrate of First Class, V.Madugula, Visakhapatnam. On his release, the petitioner shall report before the Station House Officer, Special Enforcement Bureau Station, V.Madugula, Visakhapatnam once in a month on the 2nd day of every succeeding month till the trial of the case is concluded and the case is disposed of in the trial Court. The aforesaid conditions are imposed to ensure the presence of the petitioner during the course of trial and in view of the apprehension expressed by learned Additional Public Prosecutor as discussed supra. The petitioner shall scrupulously comply with the above conditions and any infraction of the same will be viewed very seriously and it also entails cancellation of bail.

JUSTICE CHEEKATI MANAVENDRANATH ROY

Date : 13.04.2022

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THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

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