

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.466 of 2015

ORDER:

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The petitioner, who is A1, filed the present application under Section 438 Cr.P.C., seeking release in the event of his arrest in connection with Crime No.129 of 2014 of Kotananduru Police Station, East Godavari District, registered for an offence punishable under Section 8 (c) read with Section 20 (b)(ii)(c) of NDPS Act.

The case of the prosecution is that on 09.11.2014 at about 04.30 a.m., a report came to be lodged by the Village Revenue Assistant stating that as per the instructions of the Tahsildar, Routhulapudi Mandal, while the informant was checking the lorries at the outskirts of Mulagapudi Village, he noticed a lorry bearing No.AP 16 TW 2646, coming from Kotananduru to Kathipudi. When the said lorry was stopped, the driver of the lorry ran away leaving the vehicle. On search, the informant found 25 bags of Ganja, each bag weighing 24 Kgs, totally up to 600 Kgs. Basing on the said search and seizure, the present case came to be registered.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner mainly submits that even accepting the allegations in the report to be true, no offence is made out against the petitioner, as he is the owner of the vehicle and was not present in the vehicle at that time of the alleged incident. According him, the petitioner has no knowledge about the transportation of the contraband.

Learned Public Prosecutor opposed the application contending that the confession of A2, who is the driver of the vehicle would clearly

disclose that he acted as per the instructions given by the petitioner. The petitioner has sufficient knowledge about the transportation of Ganja from his vehicle.

While dealing with the relevancy of the confession, learned Single Judge of this Court in **State of Andhra Pradesh V. Kollam Gangi Reddy**^[1] observed as under:

“The Apex Court in State though C.B.I. V. Amarmani Tripathy^[2] *categorically laid down that the confession of co-accused can also be a basis for holding prima facie accusation against the accused for negating bail in rejecting the contention contra.”*

A perusal of the confession of A2 would show that on the date of incident, the petitioner himself took the lorry along with A2 to a village where he got 25 bags of Ganja loaded in the said lorry and instructed the driver to bring the same to Kathipudi through Rowthulapudi road.

From the confession of A2, it cannot be said that the petitioner has no knowledge about the offence. Hence, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

10.02.2015
vzb

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^[1] 2014 (2) ALD (CrI) 684

[\[2\]](#) AIR 2005 SC 3490