

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No. 4559 OF 2015

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ORDER:

This Criminal Petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (For short, 'the Cr.P.C.') to enlarge the petitioners/accused Nos.2 and 3 on bail in Crime No.37 of 2015 of Vikarabad Police Station, Ranga Reddy District and the petitioners are allegedly committed an offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the N.D.P.S.Act') for indulging in illicit possession of ganja.

2. The prosecution case is that on 12.02.2015 at about 1600 hours, on credible information, police rushed to Gopi hair cut saloon, Alampalle road, Vikarabad at 1615 hours and found ganja packets in possession of Gopi, Naseer and Md.Aleem. On interrogation, they confessed that they are supplying ganja to them and also to Boda Ananthaiah, Pathi Santhosh Kumar, Goliguda Jangaiah, Dudyala Suresh, Rapole Marupathi Anandam. Immediately, the police seized about 3 Kgs. of contraband from the possession of A4 to A6 under mediators report. On the strength of the mediators report, the above Crime was registered for the offence punishable under Section 20 (b) of the N.D.P.S. Act.

3. From the possession of the accused, the concerned police officials seized 3 Kgs. of Ganja and whereas A1 is absconding till today.

4. The plea of the petitioners is the total denial and pleaded ignorance about commission of any offence.

5. During the course of arguments, learned counsel for the petitioners pointed out certain contradictions in the remand report and the statement of witness recorded by the police during the investigation. In view of these certain contradictions, the petitioners contended that there is no *prima facie* case against them for the offence punishable under Section 20(b) of the N.D.P.S.Act.

6. Learned Public Prosecutor opposed the petition on the ground that A1 is not yet apprehended by the police, who was found absconding till today.

7. As seen from the material available on record, the petitioners indulged in grave offence punishable under Section 8 read with Section 20(b) of the N.D.P.S.Act, having found in possession of 3 Kgs. of ganja and indulged in illicit possession/trade of ganja and the alleged contradictions pointed out by the learned counsel for the petitioners cannot be gone into at this stage, except to find out *prima facie* case against the petitioners. At this stage of granting bail, minute analysis of evidence available on record is impermissible. Thus, contradictions will have no bearing on deciding this petition. As seen from the material, the first accused is still absconding and in case the petitioners are enlarged on bail, there is every possibility of interfering in further investigation and chances of apprehending A1 are bleak.

8. Therefore, I find that it is not a fit case to enlarge the petitioners on bail, at this stage. Hence, the Criminal Petition is dismissed.

JUSTICE M. SATYANARAYANA MURTHY

Date.21.05.2015

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