

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.8641 OF 2015

ORDER:

This criminal petition under Sections 437 and 439 of the Code of Criminal Procedure is filed by the petitioner/A.2 seeking bail in crime No.46 of 2015-16 on the file of Narsipatnam Prohibition and Excise Station, Visakhapatnam, registered for the offence under Section 8(c) read with 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act (NDPS Act).

Heard and perused.

The allegation against the petitioner herein is that he was found in possession of 700 kgs of ganja in 28 gunny bags and the entire contraband was recovered in his presence, even though the mediators are not available, the same is informed to the petitioner/A.2 and later, with his consent, the police conducted search in the gunny bags and found ganja therein.

Learned counsel for the petitioner submits that the respondent police have not followed the mandatory provisions and as such, the petitioner is entitled for release on bail.

This Court is of the view that the conscious possession of ganja itself is an offence and the petitioner informed the respondent/police that A.1 asked him to keep the bags containing ganja to transport the same and as such, whether the petitioner is having conscious possession of ganja or not is to be decided only at the time of trial. Hence, this Court is not inclined to grant bail to the petitioner/A.2.

The Criminal Petition is accordingly dismissed.

JUSTICE RAJA ELANGO

07.09.2015

pln