

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL PETITION No.6730 OF 2015

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ORDER:

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This criminal petition under Sections 437 and 439 of the Code of Criminal Procedure is filed by the petitioner/A.1 seeking grant of bail in crime No.NCB F.No.48/1/2/2015/NCB/SUB-ZONE/HYD on the file of the Narcotics Control Bureau, Hyderabad Sub Zone, registered for the offence under Section 8(c) read with Sections 21(c), 23, 27A, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Act).

Heard and perused the material available on record.

Learned counsel for the petitioner submits that the petition filed by the petitioner seeking bail before the Court below is dismissed on erroneous grounds.

This Court, without going into merits of the case, is inclined to extract the relevant portion of the Common Order of the Court below in CrIl.M.P.Nos.1426 and 1427 of 2015, dated 07.07.2015 and the same reads as under.

The NCB officials have seized contraband weighing about 1.056 kgs which is more than commercial quantity as notified under NDPS Act. The petitioner/Accused Nos.1 and 2 are expected to satisfy the twin requirements under Section 37 of NDPS Act for enlarging them on bail. The petitioners/Accused Nos.1 and 2 have given notice to the learned Special Public Prosecutor; thereby one of the requirements is done with. In respect of second requirement, considering the statements of petitioners/Accused Nos.1 and 2 under Section 67 of NDPS Act and the other material on record, the involvement of petitioners/Accused Nos.1 and 2 in the offence cannot be ruled out. Thereby this Court cannot record a finding that the petitioner/Accused Nos.1 and 2 are *prima facie* not committed the offence alleged against the petitioners/Accused Nos.1 and 2 and hence, on account of embargo under Section 37 of the NDPS Act, the petitioners/Accused Nos.1 and 2 cannot be granted bail.

This Court is of the view that the reasoning given by the Court below while dismissing the bail petition is in accordance with law. This

Court is also of the view that the observation of the Court below is a well settled proposition insofar as the offences under the NDPS Act are concerned. Hence, the petition fails and is liable to be dismissed.

The criminal petition is accordingly dismissed. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

21.07.2015

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