

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.12437 OF 2015

ORDER:

This criminal petition under Sections 437 and 439 of the Code of Criminal Procedure is filed by the petitioner/A.3 seeking bail in crime F.No.DRI/HZU/48D/ENQ-6(INT-NIL) 2015 on the file of Directorate of Revenue Intelligence, Zonal Unit, Hyderabad registered for the offences under Sections 22,25,28 and 29 of NDPS Act, 1985.

The case of the prosecution is that on 28.7.2015 when the revenue officials surprised M/s.Nekkantis Labs, they found A.1, incharge of the factory and A.2, who was attending the work and on inspection, they found 48 steel trays filled with Alprazolam. While the inspection was going on, petitioner-A.3 entered into the premises with cash of Rs.3,97,500/- and on enquiry, he confessed to have come there to purchase Alprazolam. The total quantity of contraband was found to be 121.29 kgs worth of Rs.24,25,800/-.

Learned counsel for the petitioner submits that even as per the case of the prosecution, the petitioner was not found in possession of contraband-Alprazolam and mere possession of cash would not attract an offence under the Act. It is further submitted that the petitioner is suffering with ailment of partial paralytic and he needs regular check up by neuro specialist. The petitioner was arrested on 29.7.2015 and remanded to judicial custody on 30.7.2015 and since then he is in judicial custody. Hence, he prays this Court to grant bail to the petitioner herein.

On the other hand, the learned special Public Prosecutor opposed the petition contending that the petitioner went to the factory for purchasing of Alprazolam with cash which was seized and therefore, he squarely falls within the provision of Section 37 of NDPS Act and hence, it is not a fit case to grant bail to the petitioner.

Heard and perused the records.

It is submitted by the learned counsel for the petitioner that the alleged confession made by the petitioner is highly improbable and further the said amount of Rs.3,97,500/- was not recovered from the petitioner as alleged by the prosecution. Further it is the case of the petitioner that the said amount was recovered from the house of the petitioner.

Learned Additional Public Prosecutor submits that not only the confession of A.3 but the other persons also confessed regarding the fact that the petitioner has earlier purchased Alprazolam from A.1 and A.2.

After hearing both sides and on perusal of the material on record, this Court is not inclined to grant bail to the petitioner at this stage.

Accordingly, the Criminal Petition is dismissed.

JUSTICE RAJA ELANGO

30.12.2015

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