

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.414 of 2015

ORDER:

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The present application is filed under Section 438 Cr.P.C. seeking release in the event of the arrest of the petitioner in connection with Crime No.371 of 2014-2015 of Prohibition and Excise Police Station, Narayanakhed, Medak District, registered for an offence punishable under Section 8 (c) read with Section 20 (b)(ii)(c) of N.D.P.S. Act.

The case of the prosecution is that on 19.09.2014 at about 11.30 a.m., the ESTF Party raided the house of the accused bearing No.1-3 in Ramchander Nayak Thanda, Mavinelly. It is alleged that the petitioner escaped from the house. On search, the officers found four gunny bags of dry ganja containing 50 packets, each packet weighing 2 Kgs., totaling to 100 Kgs. of dry ganja. The averments in the report also disclose seizure of an Aadhar card copy of the accused from his house. Basing on the said seizure, the present case came to be registered.

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

Learned counsel for the petitioner submits that a false case is foisted against the petitioner and the allegations made are invented for the purpose of this case. It is further submitted that prior to the date of the said seizure, four bags of ganja were seized from Gair Banjara land, which according him, gets support from the news item published in a newspaper.

Learned Public Prosecutor opposed the application stating that the contents of the panchanama do make out a case against the petitioner.

A perusal of the material on record, more particularly, the averments in the panchanama and the First Information Report would disclose that about 100 Kgs. of ganja was recovered from the house of the petitioner. The question of looking into the news item published in a newspaper does

not arise while deciding a case on hand, as the contents of it are not admissible and no authenticity can be attributed to a news item.

In view of the seizure of 100 Kgs. of ganja from the house of the petitioner, which gets support not only from the averments in the First Information Report but also from the statements of witnesses in panchanama, I am not inclined to grant anticipatory bail to the petitioner.

However, the petitioner is at liberty to surrender before appropriate Court and move an application for regular bail before the concerned Court after giving notice to the public prosecutor, in which event, the same shall be dealt with, in accordance with law.

Accordingly, the criminal petition is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

05.02.2015
vhb