

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.14155 OF 2016

ORDER:

The petitioner, who is A.3, preferred the present Criminal Petition under Section 438 of the Code of Criminal Procedure, 1973, seeking release in the event of his arrest in connection with Crime No.37 of 2016 of Rolugunta Police Station, Visakhapatnam District, registered for the offence punishable under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on the intervening night of 08/09.06.2016 on reliable information, Sub-Inspector of Police along with his staff proceeded to the outskirts of Chatarjipuram Village. On seeing the police, some persons tried to escape, however, police apprehended three persons. After complying with mandatory requirements, police seized 50 Kgs., of Ganja from three gunny bags. Basing on the said search and seizure, the present crime came to be registered.

3. Learned counsel for the petitioner submits that the allegations in the report are all false and the petitioner was falsely implicated in this case. He further submits that no incriminating material was recovered from the possession of the petitioner.

4. Learned Additional Public Prosecutor opposed the petition.

5. It is to be noted that question of recovering incriminating material from the possession of the petitioner would not arise since the petitioner was not arrested. The material on record would show that A.1 was already granted bail by this Court on 29.07.2016 vide Criminal Petition No.10772 of 2016

6. Since the petitioner also stands on the same footing as that of A.1, he shall surrender before the concerned Court and move an application after giving prior notice to the learned Public Prosecutor, in which event, the same shall be considered, in accordance with law, on the same day.

7. Accordingly, the Criminal Petition is disposed of.

Date:30.09.2016
INL

JUSTICE C. PRAVEEN KUMAR

