

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

-
CRIMINAL PETITION No.3316 OF 2016
-

ORDER:

Heard the learned counsel for the petitioner/A.1 and the learned Public Prosecutor.

2. The present Criminal Petition came to be filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973, by the petitioner/A.1 seeking enlargement on bail in Crime No.05 of 2016 of Makavarapalem Police Station, Visakhapatnam District, registered for the offence punishable under Section 20 (b) of N.D.P.S. Act.

3. The case of the prosecution is that basing on the information received, the police conducted a raid at the house of A.1 and they found A.1 in possession of 40 kgs of Ganja, which was seized under a mediators report. Basing on these allegations, the present case came to be registered.

4. Learned counsel for the petitioner submits that the allegations made against the petitioner are all false and invented for the purpose of this case. It is urged that the petitioner is only a tractor driver and on the date of incident he went to Visakhapatnam to hand over Ganja packets.

5. Learned Public Prosecutor opposed the same contending that as the Gaja seized from the possession of the petitioner is commercial quantity, the petitioner is not entitled to bail.

6. A perusal of the material on record would show that the case was registered for the offence punishable under Section 20 (b) of the N.D.P.S. Act only. Since the investigation is still pending, I am not inclined to grant bail to the petitioner. However, if the charge sheet is not filed within the period of limitation as prescribed, the petitioner is

always at liberty to avail the remedy available under law before the trial Court.

7. With the above observation, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

MARCH 18, 2016

YVL

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

-
-
-
-
-
-
-
-
-
-
-
-

CRIMINAL PETITION No.3316 OF 2016

Date: 18.03.2016

YVL