

THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR
CRIMINAL PETITION No.3336 of 2016

ORDER:

Heard the learned counsel for the petitioner/accused 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/accused seeking enlargement on bail in Crime 153 of 2015 of Chodavaram Police Station, Visakhapatnam District, registered for the offence punishable under Section 20 (b) (1) read with Section 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Case of the prosecution is that on 11.11.2015 at about 10:00 hours, on receiving of information about transportation of Ganja, the S.I of police, Chodavaram Police Station and his staff rushed to Kothuru junction and conducted vehicle checking. At about 11:00 hours noticed one car bearing No.AP-05-AP-2799 coming from Vaddadi Village side and on seeing police, the driver of the car turned the car back and tried to escape from the place. On suspicion, the S.I. of police chased the said car and found 5 white plastic gunny bags and each bag containing 20 kgs., of Ganja. Basing on these allegations, the present crime came to be registered.

4. Learned counsel for the petitioner submits that the petitioner was arrested on 11.11.2015 and since then he is in jail. He further submits that the petitioner is innocent of the offence alleged and he has been falsely implicated in this case.

5. Learned Public Prosecutor opposed the same.

6. A perusal of the material on record would show that investigation is still pending. The petitioner was the driver of the said vehicle, in which Ganja was being transported. When the same was subjected to

search, 100 kgs., of Ganja was found in the said vehicle. In the confessional statement, the petitioner stated that he purchased 100 kgs., of Ganja, packed them in 5 bags and kept the same in the car. Earlier the petitioner filed CrI.P.No.593 of 2016 before this Court and the same was dismissed on 28.01.2016 on the ground that the seized Ganja is 100 kgs, which is the commercial quantity.

7. Having regard to the facts and circumstances of the case and since the investigation is still pending, I am not inclined to grant bail to the petitioner. However, it is always open to the petitioner to make an application before trial Court, in which event, the same shall be dealt with in accordance with law.

8. With the above direction, the Criminal Petition is dismissed.

C.PRAVEEN KUMAR, J

MARCH 21, 2016.
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THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR

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Date: 21.03.2016

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