

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.2847 of 2016

ORDER :

The petitioners, who are accused Nos.1 and 2, filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in N.S.C.No.13 of 2015 on the file of the Metropolitan sessions Judge, Visakhapatnam, arising out of Crime No.61 of 2015 of Ananthagiri Police Station, Visakhapatnam. A charge sheet came to be filed against the petitioners for an offence punishable under Section 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The case of the prosecution is as under:

On receipt of credible information, the Inspector of Police along with his staff reached Government Junior College, Ananthagiri and while they were conducting vehicle checking found one Maruthi Car bearing No. JH 01 D 1673 coming from Araku side towards S.Kota. On seeing the police, accused Nos.1 and 2 tried to skulk away from there. The police caught hold of them and on search, they found 79 kgs. of ganja in the car. Basing on these allegations the above case came to be registered.

Heard learned counsel for the petitioners and Additional Public Prosecutor appearing for the respondent-State.

A perusal of the material on record would disclose that earlier the petitioners herein filed Crl.M.P.1105 of 2016 which was dismissed by this Court on 08.02.2016. Learned counsel for the petitioners submits that the charge sheet has been filed by the police 160 days after the arrest of the petitioner as such the petitioners are entitled for statutory bail under Section 167 (2) Cr.P.C.

Learned Additional Public Prosecutor opposed the same.

Having regard to the circumstances of the case and with a view to decide as to whether the petitioner is entitled to statutory any bail under Section 167 Cr.P.C., the petitioner is at liberty to raise such a plea before the trial Court by filing bail application under Section 167 (2) Cr.P.C., in which event the same shall be dealt with in accordance with law.

With the above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

09.03.2016

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