

THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

CRIMINAL PETITION No.6764 OF 2016

ORDER:

The petitioner - A3, who along with two other accused allegedly committed offence under Section 20 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act'), for transporting 24 Kgs. of contraband ganja, which is a commercial quantity, and who has been in judicial custody since 17.03.2016, filed the instant bail application.

Heard.

Learned counsel for the petitioner would urge that in Crl.MP.No.751 of 2016, the Special Court granted bail to the co-accused - A1 and A2, but dismissed the bail application of the petitioner - A3 and hence, considering that the petitioner is a lady and co-accused were already enlarged on bail, petitioner may be granted bail.

It is seen that as per remand report and the cited bail order, A1 and A2 were found in possession of 18 Kgs. of contraband ganja each, which is a non-commercial quantity, but whereas the petitioner is found to be in possession of 24 Kgs. of ganja, which is a commercial quantity. In that view of the matter, the order of the Special Court cannot be found fault. Further, investigation is not completed and charge sheet is not yet filed.

Having regard to the magnitude of the offence and its adverse impact on the drug addicts directly and debilitating the society and also considering the mandate under Section 37 of the Act, bail is refused to the petitioner, though she happens to be a lady.

Accordingly, the petition is dismissed.

U. DURGA PRASAD RAO, J

May 19, 2016
MD/KH