

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 10224 OF 2016

ORDER:

Heard the learned counsel for the petitioner 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.824/2015-16 of Prohibition and Excise Station, Prathipadu, East Godavari District registered for the offences punishable under Sections 8 (c) read with 20 (b) (ii) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The case of the prosecution is that on 14.2.2016 at about 2.20 PM, on receipt of credible information, the police conducted a raid and found the petitioner/A.1 transporting in a Tata Indigo Manza car bearing Registration No.AP20 AG 1215 60 Kgs of dry Ganja by keeping the same in a mica bag from Prathipadu village near Visakhapatnam to Vijayawada road. Police seized the same after complying with the mandatory requirements. Basing on these allegations, the present crime came to be registered.

4. Learned counsel for the petitioner would submit that the petitioner is driver of the car and as such he is not

aware about the transportation of the contraband. It is his case that he was not aware about the substance which is being transported in the vehicle since some other persons were in the vehicle. As the petitioner is in jail from on 15.02.2016, and the investigation is almost complete seeks bail.

5. Learned Public Prosecutor strongly opposed the same stating that the quantity of contraband seized is a commercial quantity and transportation of Ganja in the vehicle is also an offence. The case of the petitioner that he was not aware of the same cannot be accepted since the very smell of the substance indicates the presence of Ganja in the vehicle.

6. Be that as it may, it is to be noted that the quantity of Ganja seized from the vehicle is about 60 Kgs. The said quantity is a commercial quantity. Section 37 of the NDPS Act mandates that in case of seizure of commercial quantity, the accused is not entitled to grant of bail unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and he is not likely to commit any such offence while on bail. Except stating that the petitioner is innocent of the offence, neither any ground is urged nor any material is placed to show that he is not guilty of the offence. As the investigation is in progress, I am of the opinion that it is not a fit case to release the petitioner on bail.

7. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Date: 21.07.2016

DRK

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