

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3065 of 2016

ORDER:

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The petitioner, who is A1, filed the present application under Section 438 Cr.P.C., seeking release in the event of his arrest in connection with Crime No.703 of 2015-16 of Excise Police Station, Visakhapatnam District, registered for an offence punishable under Section 8 (c) read with Section 20 (b)(ii)(c) of NDPS Act.

A perusal of the material on record would show that earlier the petitioner herein moved an application for anticipatory bail before this Court, which was dismissed on 27.01.2016 on the ground that the petitioner was found transporting 200 Kgs. of dry ganja illegally and that the quantity of ganja seized in the said crime is commercial. In the absence of any change in the circumstances both on facts and law and in view of the judgment of the Apex Court in ***Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu***^[1], the question of considering the request of the petitioner would not arise. Hence the request of the petitioner is rejected.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

16.03.2016
vhb

^[1] AIR 2005 SC 921