

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13456 of 2016

ORDER:

Heard learned counsel for the petitioners/A.3 to A.5 and A.7 to A.9 and learned Additional Public Prosecutor and perused the material available on record.

2. The petitioners/A.3 to A.5 and A.7 to A.9 filed the present application under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with Crime No.31 of 2016 of V.Madugula Police Station, Visakhapatnam, registered for the offence punishable under Section 20 (b) (ii) (c) read with 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

3. The case of the prosecution is that on credible information about illegal transportation of Ganja, the police along with mediators started from Vaddadi (V) and when they reached near Veeravalli Agraharam Village, they caught hold of A.1, who is coming on a motor cycle. On interrogation, he disclosed that he along one Sunkari Manikanta, who is A.9, transporting Ganja in an Auto bearing No.AP-31-TC-8903. During the course of investigation, the police reached outskirts of Gotivada Agraharam Village and on seeing them, A.9 left the motor cycle and absconded from the spot. Thereafter, the police went to Gadirai (V) at that time, one Auto bearing No.AP-31-TC-8903 was coming from Gadirai (V) side and on seeing them, the persons in the said Auto pushed the bags from auto and absconded from the spot. But, the police caught hold of A.2, but driver of the auto and five others were absconded. From the spot, the police found 10 gunny bags. When the police questioned A.2 in the presence of mediators, he disclosed his identity. On further interrogation, A.1 stated that he

is living by doing cultivation. A.1 to A.9 decided to earn more money by doing Ganja business illegally. Accused used to purchase Ganja at low rate in Agency areas and sell the same at higher price. On 22.06.2016, the accused purchased 200 kgs of ganja, Rs.2000/- per kg., from unknown persons, packed in 10 gunny bags and concealed the said bags in the bushes of Jalampalli (V). On 23.06.2016 the accused loaded 10 bags of ganja in the Auto bearing No.AP-31-TC-8903, belongs to A.6, transporting the same to Anakapalli (V) in order to hand over the same to unknown Tamilians. However, A.1 and A.2 were caught hold by police, but A.3 to A.9 absconded from the spot. After complying with the mandatory requirements, 200 kgs., of ganja was seized from the possession of the accused. Basing on the said search and seizure, the present case came to be registered.

4. As seen from the mediator's report, A.1 disclosed the names of the petitioners and further stated that they are doing ganja business illegally for earning money easily. The material on record shows that the petitioners are involved in the commission of offence. Apart from that, the First Information Report has been registered immediately after the incident referring to the names petitioners. Therefore, it cannot be said that the names of the petitioners were subsequently added.

5. Having regard to the facts and circumstances of the case, I am not inclined to grant bail to the petitioners.

6. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

SEPTEMBER 20, 2016
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Date: 20.09.2016

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