

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13996 of 2016

ORDER:

The petitioner, who is the sole accused, filed the present application under Sections 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in crime No.125 of 2016 of Anakapalli Town Police Station, Visakhapatnam District, registered for the offence punishable under Section 20 (b) (ii) of NDPS Act.

The case of the Prosecution is that on 16.06.2016 on receipt of credible information about illegal transportation of ganja, the Police proceeded to Anakapalli by-pass road, opposite to Nookalamma Arch. On seeing the Police, one person standing on the road, left four luggage bags and tried to escape from there. But, the Police apprehended the said person and on checking the said luggage bags, found 44 kgs. of ganja. Basing on such search and seizure, present crime came to be registered after compliance of mandatory provisions of the Act.

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

The learned counsel for the petitioner submits that the petitioner is in jail from 16.06.2016 and hence, requests for grant of bail. Learned Additional Public Prosecutor opposes the application.

As seen from the record, about 44 kgs. of ganja, which is a commercial quantity, was recovered from the luggage bags of the accused. Since the petitioner failed to satisfy the rigour of Section 37 of

the NDPS Act and as the quantity seized from the bags of the accused is commercial quantity, I am not inclined to grant bail.

Therefore, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

27.09.2016
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