

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.13030 of 2016

ORDER:

This petition is filed by the petitioners/A-1 & A-2 under Sections 437 & 439 of Criminal Procedure Code seeking to grant bail in N.S.C.No.67 of 2016, on the file of the Metropolitan Sessions Judge, Visakhapatnam, arising out of Crime No.122 of 2015, on the file of V.Madugula Police Station, Visakhapatnam District, registered for the offences punishable under Sections 20(b)(1) read with 8 (c) of the NDPS Act.

Heard and perused the material available on record.

The allegation against the petitioners is that on 01.12.2015, on information, the Sub-Inspector of Police, V.Madugula Police Station, Visakhapatnam District, along with his staff, went towards Ghat Road Junction and while conducting vehicular check, noticed a lorry bearing No.AP 11X 2374 coming from Paderu side towards Ghat Road Junction. The said vehicle was intercepted and found 10 bags of Ganja arranged on the top of the cabin of the lorry. A-1 and A-2 were arrested and were interrogated in the presence of the staff. The Sub-Inspector of Police seized 10 bags of ganja and the vehicle under a mediators report and produced the accused before the Tahsildar, V. Madugula Village. The Tahsildar searched 10 bags and found 220 kgs of ganja in the said bags. After complying with the mandatory requirement and basing on the search and seizure, the present crime came to be registered.

Learned counsel for the petitioners submitted that the petitioners are innocent of the offences alleged against them and a false case has been foisted against the petitioners and they were

arrested on 01.12.2015 and since then they have been in judicial custody.

Learned Additional Public Prosecutor submits that the ganja seized from the petitioners is 220 kgs, which is commercial quantity. Earlier the petitioners have filed four bail applications before this Court in CrI.P.Nos.10301 of 2016, 14138 of 2015, 5972 of 2016 & 8428 of 2016 and all the criminal petitions are dismissed and this is the fifth bail application filed by the petitioners.

Having perused the material on record, it is found that there are no significant change of circumstances for grant of bail and it is also argued that the petitioners have not complied with the mandatory provisions and the said point can be raised at the time of trial. Hence, this Court is not inclined to grant bail to the petitioners/A-1 & A-2.

Accordingly, the Criminal Petition is dismissed.

RAJA ELANGO, J

Date:6th September, 2016

KL

THE HON'BLE SRI JUSTICE RAJA ELANGO



CRIMINAL PETITION No.13030 of 2016

Date:6th September, 2016

KL