

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

CrI.P. No. 16359 of 2016

DATE: 05.12.2016

Between:

Kosu Venkanna Dora

.. Petitioner/
A4

And

The State of Andhra Pradesh

.. Respondent



ORDER:-

This Criminal Petition is filed under Sections 437 and 439 Cr.P.C. seeking to grant bail to the petitioner-A4 in connection with Cr.No.110 of 2016 of Korukonda Police Station, East Godavari District, registered for the offence punishable under Section 8(c) read with Section 20(b)(ii) & (c) of N.D.P.S Act, 1985.

The learned counsel for the petitioner has submitted that the petitioner is falsely implicated in this case. The police have not followed the mandatory requirement enumerated under the provisions of N.D.P.S Act. Prior to the arrest of the petitioner, no person of the locality where raid was conducted was called for to act as mediator. He has further submitted that the petitioner is no way connected with any offence much less the alleged offence. Even as per the confession statement of the petitioner, he was transporting ganja, however the police arrested him and recovered ganja from his possession. For the relief sought for in the present petition, the petitioner initially filed Crl.P.No.11746 of 2016, and this Court, by order dated 22.08.2016, dismissed the petition. Thereafter, the petitioner filed Crl.P.Nos.14012 and 14013 of 2016, and the same were also dismissed by this Court vide order dated 28.09.2016.

As admitted by the learned counsel for the petitioner, there are no changed circumstances except the fact that the petitioner has been in judicial custody since July, 2016.

As per the confession statement of the petitioner, the petitioner is a teacher, who is transferred to agency area. He got acquaintance with one Batta Venkatrami Reddy, R/o.Mangampadu of Meredumilli Mandal and also Junesh of Raju camp. They used to do cultivation as well as ganja business. As the petitioner is facing financing problems, he started doing ganja business and accepted the offer of the other accused to transport the ganja. Accordingly, the petitioner received an amount of Rs.10,000/- before committing the present crime. Again, on 01.07.2016, Venkatrami Reddy and Junesh phoned him that they are coming with ganja load in a car bearing No. AP35 D 3337 and asked him to act as pilot to that car. When the petitioner was waiting at the outskirts of Maredumilli at about 06:00 p.m., the car came wherein he found both the two persons mentioned above along with three other persons. The police intercepted the car, recovered the ganja of 190 kgs. The petitioner was escorting the car which is not a less offence than the person actually transporting the same. Moreover, the two Criminal Petitions filed by the petitioner were already

dismissed by this Court and there is no changed circumstance in filing the present crime.

Hence, I find no merit in this Criminal Petition, and the same is, accordingly dismissed.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

05.12.2016

bcj

