

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13430 OF 2016

ORDER:

The present Criminal Petition came to be filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973, by the petitioner/Accused seeking enlargement on bail in Crime No.22 of 2016-17 of Prohibition and Excise Station Gajuwaka, Visakhapatnam District, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. The case of the prosecution is that on 25.05.2016 on receipt of credible information about illegal transportation of Ganja, the excise officials proceeded to Vadlapudi Junction, and found the petitioner with three bags. On seeing the police, he tried to escape, however, he was apprehended. After complying with mandatory requirements, on search of bags, 34 Kgs of Ganja was seized. Basing on these allegations, the present crime came to be registered.

3. Learned counsel for the petitioner would submit that the allegations in the report are all false and invented for the purpose of this case. He submits that the petitioner is no way concerned with the offence alleged and he has been roped in for statistical purpose.

4. Learned Public Prosecutor opposed the same contending that since commercial quantity of Ganja was seized from the possession of the petitioner, he is not entitled for bail.

5. A perusal of the material on record would show that 34 Kgs., of Ganja is said to have been seized from the petitioner. Having regard to the quantity of Ganja seized, which is commercial quantity; as the petitioner failed to satisfy the rigour of Section 37 of the NDPS Act, and since the investigation is still pending, I am not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Date:23.09.2016
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