

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13318 of 2016

ORDER:

The petitioner, who is A1 in Crime No.1183 of 2014-15 of Prohibition and Excise Station, Peddapuram, East Godavari District, filed the present application under Sections 437 and 439 of Cr.P.C. seeking enlargement on bail in the above crime, registered for an offence punishable under Section 8(c) read with Section 20 (b)(ii)(c) of NDPS Act.

2. The case of the prosecution is that on receipt of credible information about illegal transportation of ganja, on 20.03.2015, the Excise officials along with mediators proceeded to Jaggampeta Village, Jaggampeta Mandal, seized 60 Kgs. of dry ganja while the same was being transported in a Chevrolet Tavera Car, after complying with the mandatory requirements. Basing on the said arrest and seizure, the present crime came to be registered.

3. A perusal of the material on record would show that earlier the petitioner along with another were granted bail by this Court in CrI.P.No.5845 of 2015, dated 02.07.2015 on a condition that they should execute a bond for Rs.20,000/- each with two sureties, who are native of State of A.P. for a likesum each to the satisfaction of the concerned Court and further directed them to report before SHO concerned till filing of charge sheet. A1 and A2 got produced solvencies on 09.07.2015 and were enlarged on bail. Subsequently the accused failed to appear before the Court concerned. On 12.08.2015, the Prohibition and Excise Inspector filed a report stating that the accused-A1 and A2 are not complying with the conditions imposed by this Court while granting bail to them. Later, as the petitioner and another were not attending before this Court below, the Court concerned issued NBWs against them and also issued notices to sureties. During the course of enquiry, it came to light that the sureties produced by the accused are fake

and documents submitted therewith are forged. Accordingly, proceedings were initiated against the accused for the offences punishable under Sections 467, 468, 472, 473, 417 and 229-A of IPC. Long thereafter, the presence of the present petitioner was secured under PT Warrant.

4. The material on record discloses that the petitioner has violated the conditions imposed while granting bail to him and another. Apart from that, the petitioner produced fake and forged sureties, resulting in registration of Crime No.522 of 2015 against him and others.

5. Having regard to the above circumstances and since investigation in Crime No.1183 of 2014-15 is still pending, the request of the petitioner cannot be considered.

6. Accordingly, the criminal petition is dismissed.



JUSTICE C. PRAVEEN KUMAR

28.09.2016
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