

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION Nos.10480 and 10508 of 2016

COMMON ORDER:

The petitioners, who are accused Nos.1 to 3, filed the present Criminal Petitions under Section 438 Cr.P.C. seeking release in the event of their arrest in connection with Crime No.436 of 2016 of Excise Police Station, Mahabubabad, Warangal District, registered for the offences punishable under Section 8 (c) read with Section 20 (b) (ii) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The case of the prosecution is that on 19.06.2016 at about 2.00 p.m. while the Inspector of Police and other staff members were on patrolling duty, found accused No.1 proceeding on motor cycle, who on seeing the police tried to escape. The police party chased and caught hold of him. On search they found a plastic bag containing 1 kg. dry ganja in the oil tank of motor cycle. When questioned he stated that he is working under accused Nos.2 and 3, who were indulged in doing business in supply of dry ganja. Meanwhile, the police also found a car proceeding on the same way. On seeing the police, two persons escaped from the car. Accused No.1 informed that the persons, who fled away, are accused Nos.2 and 3. On search, they found a bag containing 2 kgs. of dry ganja. Basing on these allegations the above case came to be registered.

Heard learned counsel for the petitioners and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioners submits that the petitioners are not present in the car and the case is based on the statement of

accused No.1. If really accused No.1 is found to be in possession of 1 kg. of dry ganja and as stated by him the persons who fled away from the car are the petitioners, the police should have arrested accused No.1, but they failed to do so, hence submits that the petitioners are entitled for anticipatory bail.

Learned Public Prosecutor opposed the application.

As seen from the material on record, the entire case is based on the alleged statement said to have been made by the person, who was driving the motor cycle. When the police went to apprehend and search the car, which was found carrying ganja, the petitioner appears to have escaped. Hence, I am not inclined to grant anticipatory bail to the petitioners. However, the petitioners, if so advised shall surrender before the Court concerned and make an application for regular bail, in which event the same shall be considered in accordance with law on the same day or at the earliest.

With the above direction, both Criminal Petitions are disposed of.

JUSTICE C. PRAVEEN KUMAR

26.07.2016

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