

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1957 OF 2016

ORDER:

The present Criminal Petition under Section 439 of Cr.P.C., is filed by the petitioner/A.1 seeking enlargement on bail in Crime No.222 of 2015-16 of Prohibition and Excise Police Station, Prathipadu, East Godavari District, registered for the offences punishable under Sections 8(c) r/w. 20(b)(ii) of N.D.P.S. Act, 1985.

The averments in the report discloses that the petitioner was arrested on 15.07.2015 for having been found in possession and illegal transportation of 68 Kgs of dry Ganja, contained in 17 polythin covers and each pack containing about 4 Kgs. of dry Ganja, in Mahindra Scorpio Car bearing Registration No.MH 05 AJ 3476 and seized the same in the presence of mediators, who are said to be public servants.

Learned counsel for the petitioner submits that the health condition of the petitioner is not good and in support of the same, he placed on record the Medical Certificate issued by the Civil Assistant Surgeon showing that the petitioner is suffering from coronary artery disease and that he requires cardiac super speciality treatment as early as possible.

A perusal of the material on record would show that earlier the petitioner filed CrI.P.Nos.10017 of 2015 and 11801 of 2015 seeking release on bail and the said

applications were dismissed by this Court by orders dated 06.10.2015 and 19.11.2015, respectively. Thereafter, there were no changed circumstances, either on facts or on law, warranting interference by this Court in the order passed by this Court on 19.11.2015, as held by the Hon'ble Supreme Court in KALYAN CHANDRASARKAR v. RAJESH RANJAN @ PAPPU^[1]. Since there are no changed circumstances, either on facts or on law, I am not inclined to consider the request of the petitioner for release on bail. Moreover, when the quantity of contraband seized from the possession of the petitioner is very high, the request of the petitioner for release on bail cannot be considered.

At this stage, learned counsel for the petitioner placed reliance on the Medical Certificate dated 28.11.2016 said to have been issued by the Civil Assistant Surgeon, Central Prison Hospital, Rajahmundry, showing that the petitioner is suffering from coronary artery disease and requires cardiac super speciality treatment as early as possible.

Having regard to the facts and circumstances of the case, the petitioner is at liberty to move appropriate application before the trial Court, in which event, the trial Court may take into consideration of the same and deal with the said aspect in accordance with law.

Subject to the above direction, this Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

23.02.2016.

Msr

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[\[1\]](#) AIR 2005 SC 921