

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION No. 15888 of 2016

ORDER:

Vide present Criminal Petition, the petitioners/Accused Nos. 2 and 3 seek bail in NDPS SC.No.141 of 2016 on the file of learned First Additional District and Sessions Judge, at East Godavari District, at Rajahmundry, arising out of Crime No.16 of 2016 registered on the file of Station House Officer, Police Station, Y. Ramavaram, EG District for the offences punishable under Section 8(c) read with Section 20(b) of the NDPS Act.

The case of prosecution is that on 11.06.2016, two accused persons came on motor cycle bearing registration No.28.AD.3622 and followed by them, two other accused persons came on Bolero vehicle bearing registration No. MH.28.AD.3402. However, on noticing the police, they stopped the vehicles and tried to run away. The police apprehended them and on checking the Bolero vehicle, the police have recovered 588 Kgs of Ganja in 294 packets.

Learned Counsel appearing on behalf of the petitioners/Accused Nos. 2 and 3 submits that the motor cycle was escorting the Bolero four wheeler vehicle wherein the contraband ganja was found transporting. Thus it is a matter of trial as to whether the petitioners who were travelling on the aforesaid motor cycle had conscious of possession of the said

contraband by the other accused persons sitting in Bolero four wheeler.

It is an admitted fact that Petitioner No.1/Accused No.2 is the son of Accused No.1 and petitioner No.2/Accused No.3 is his brother's son. Thus they have close proximity by relation with other co accused and found carrying Ganja of 588 Kgs in 294 packets.

Keeping in view, the quantity of Ganja seized, which is the commercial quantity as stipulated by Section 37 of the NDPS Act and the role of the petitioners/Accused Nos.2 and 3, I am not inclined to grant bail to them.

The Criminal Petition is therefore dismissed. However, it is needless to observe that the petitioners are at liberty to file bail application at the appropriate stage before appropriate forum.

Miscellaneous petitions pending consideration if any in the Criminal Petition shall stand closed in consequence.

JUSTICE SURESH KUMAR KAIT

DATED 17th November, 2016.
Msnr_x