

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13708 OF 2016

ORDER:

Heard learned counsel for the petitioner and the learned Public Prosecutor.

2. The petitioner who is A2 in C.O.R.No.54 of 2016 of Prohibition and Excise Police Station, Medchal, Ranga Reddy District, filed the present Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure, seeking enlargement on bail in the above crime registered for an offence punishable under Section 8(c) read with 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The case of the prosecution is that on 11.04.2016, on receipt of credible information about illegal transportation of Alprazolam, the excise officials conducted route watch near Medchal check post and under suspicious circumstances, stopped one Innova car. After serving a search memo to the driver and another person, the officials conducted search and found two white colour plastic gunny bags in back seat of the car, each bag containing five packets, and each packet containing 1 Kg. of Alprazolam in polythene covers. On enquiry, the persons in the vehicle disclosed that they purchased the contraband from A3 and A4 and were transporting the same to Hyderabad. Subsequently, the contraband was seized under the cover of panchanama in the presence of mediators and the accused were arrested. Basing on the said arrest and seizure, the present crime came to be registered.

4. Learned counsel for the petitioner submits that since the prosecution failed to comply with Section 50 of NDPS Act, the petitioner may be released on bail. But the same is opposed by the learned

additional public prosecutor contending that earlier the petitioner filed two bail applications raising the same plea which were dismissed. In the absence of any change in facts and circumstances of the case, the petitioner is not entitled for any relief.

5. As seen from the report and also mediators report, 10 Kgs. of Alprazolam was alleged to have been seized from the vehicle. As there was no personal search, the question of complying with Section 50 of NDPS Act, would not arise. Apart from that, the quantity of Alprazolam seized is a commercial quantity.

6. Having regard to the above and in view of the orders passed by this Court in Cri.P.Nos.8719 and 11868 of 2016, I am not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Petition is dismissed.

Date:22.09.2016
vnb

JUSTICE C. PRAVEEN KUMAR

