

**THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**CRIMINAL PETITION No.11868 of 2016**

**ORDER:**

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The petitioners, who are A1 and A2, filed the present application under Sections 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in C.O.R. No.54 of 2016 of Excise Police Station, Medchal, Cyberabad, Ranga Reddy District, registered for an offence punishable under Section 8 (c) read with Section 22 of NDPS Act (for short, 'the Act').

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 circumstance, stopped one Innova car. After serving a search memo to the driver and another person, the officials conducted search and found two white color 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.

Heard learned counsel for the petitioners and the learned public prosecutor appearing for the respondent-State.

Learned counsel for the petitioners mainly submits that since the prosecution failed to comply with Section 50 of NDPS Act, the petitioners may be released on bail.

Learned public prosecutor opposed the application contending that earlier this Court dismissed the application filed by the petitioners vide order dated 27.06.2016 passed in CrI.P.No.8719 of 2016 and since there is no change in the facts and circumstance of the case, he states that the petitioners are not entitled for bail.

As seen from the first information report and also from the panchanama, 10 Kgs. of Alprazolam, which is a narcotic substance was present in the vehicle. After serving search memo, search was conducted in the presence of mediators. Further, it is to be noted that the quantity of the contraband seized is commercial quantity. Earlier this Court in CrI.P.No.8719 of 2016, rejected the request made by the petitioners for grant of bail vide order dated 27.06.2016. Since then, there is no change either on facts or in law; as the investigation is still going on and in view of the judgment of the Apex Court in ***Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu***<sup>[1]</sup>, the question of considering the request of the petitioners again would not arise.

Accordingly, the Criminal Petition is dismissed.

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**JUSTICE C. PRAVEEN KUMAR**

17.08.2016  
vhb

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<sup>[1]</sup> AIR 2005 SC 921