

THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO
CRIMINAL PETITION Nos.7251 AND 7332 OF 2016

ORDER:

The petitioners - accused seek regular bail under Sections 437 and 439 Cr.P.C.

The offence alleged against the petitioners in Crime No.4 of 2016 of Rajavommangi Police Station, East Godavari District, is under Section 8 (c) read with 20 (b) (ii) (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act'), for possessing 40 Kgs. of contraband ganja in two gunny bags and hence, the accused were arrested on 20.02.2016 and were remanded to judicial custody.

Heard.

Learned counsel for the petitioners while refuting the charge would submit that even assuming the remand report contents to be true, what was found in possession of each of the petitioners was only 20 Kgs. of contraband ganja and the petitioners have been in judicial custody since 20.02.2016 and charge sheet has already been filed and considering these aspects, bail may be granted to the petitioners.

Learned Public Prosecutor though admitted that charge sheet is filed, opposed the bail application submitting that the offence is grave since the contraband ganja seized as per the remand report was 40 Kgs. and only for convenience it was placed in two bags and being carried by the petitioners, and in view of the fact that the total ganja seized from the petitioners

being a commercial quantity, the bail may be refused to them.

A perusal of the remand report shows that the petitioners purchased 40 Kgs. of contraband ganja and carried it in two bags of 20 Kgs. each and they were intercepted by the police, who seized the same from their possession. Thus the contraband seized can be taken as a commercial quantity. Having regard to the mandate under Section 37 of the Act and in view of commercial quantity of contraband was seized from the possession of accused, it is not a fit case to grant bail.

Accordingly, the petitions are dismissed.

U. DURGA PRASAD RAO, J

May 19, 2016
MD/KH