

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.4129 of 2016

ORDER :

The petitioner, who is accused No.2, filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in Crime No.11 of 2016 of Ananthagiri Police Station, Visakhapatnam District, registered for an offence punishable under Section 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985. The petitioner was arrested on 03.02.2016 and since then he is in jail.

The case of the prosecution is as under:

On receipt of credible information of transporting ganja, Sub-Inspector of Police and his staff conducted vehicle check on 03.02.2016 and noticed one Tata ACE goods vehicle bearing No.AP27-TW-2617 coming from Arak side towards S.Kota. On seeing Police, two persons who were traveling in the said vehicle tried to flee from the vehicle. On enquiry, the driver of the auto (A.1) is alleged to have confessed about transporting 600 Kgs. of ganja. Basing on the confession of the accused, petitioner-A.2 was arrested at the Bus Stop of Sunkarimetta (V) of Araku Valley (M). However, A.3 managed to escape.

Learned counsel for the petitioner submits that even accepting the allegations made against the petitioner to be true, no offence is made out against the petitioner as there is no proof to show that he was present in the vehicle at the time of incident.

Learned Public Prosecutor opposed grant of bail on the ground that still the case is at the stage of investigation.

A perusal of the material on record would show that the Police on receiving credible information of transporting ganja, conducted vehicle check on 03.02.2016 and they stopped the Tata ACE vehicle. They found 3 persons traveling in the vehicle and seeing the Police, two persons including the present petitioner fled away from the place. As per the confession co-accused (A.1), petitioner-A.2 was arrested. As the investigation is still pending, the request of the petitioner for grant of bail cannot be considered at this stage.

However, the petitioner is at liberty to move an application for grant of bail before the Court below, if he so desires, in which event the same shall be dealt with at the earliest.

With above observations, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

01.04.2016
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