

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 10163 OF 2016

ORDER:

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

2. The present Criminal Petition came to be filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973, by the petitioner/A.1 seeking enlargement on bail in Crime No.127 of 2015 of V.Madugula Police Station, Visakhapatnam District, registered as N.S.C. No.111 of 2016 on the file of the Metropolitan Sessions Judge, Visakhapatnam, for the offences punishable under Sections 20 (b) (i) read with 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The case of the prosecution is that on 17.12.2015 at about 05.30 hours, in the outskirts of Krishnampalem village fields, the petitioner/A.1 tried to run away on seeing police. When police caught and interrogated him, he is alleged to have confessed stating that they are transporting Ganja in 20 gunny bags from G.Madugula forest area and A.2 and A.3 went to Ghatroad junction in search of a vehicle to transport the Ganja. Police searched 20 gunny bags (weighing 400 kgs) from the possession of petitioner/A.1 after complying with the mandatory requirements. Basing on these allegations,

the present crime came to be registered.

4. Learned counsel for the petitioner submits that since the entire investigation is over and charge sheet is filed, and as the petitioner was arrested on 17.12.2015, the request of the petitioner for grant of bail may be considered.

5. Learned Public Prosecutor opposed the same stating the quantity of contraband seized is a commercial quantity.

6. A perusal of the material on record would show that about 400 Kgs of Ganja was allegedly seized from the possession of the petitioner. The said quantity is a commercial quantity. Section 37 of the NDPS Act mandates that in case of seizure of commercial quantity, the accused is not entitled to grant of bail unless the Court is satisfied that there are reasonable grounds for believing that the accused is not guilty of such offence and he is not likely to commit any such offence while on bail. Except stating that the petitioner is innocent of the offence, no other ground is urged nor any material is placed that he is not guilty of the offence. Therefore, I am of the opinion that it is not a fit case to release the petitioner on bail.

7. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

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21.07.2016
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