

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL PETITION Nos.4213 & 4319 OF 2016
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COMMON ORDER:

Heard the learned counsel for the petitioners/A.2 to A.4 and the learned Public Prosecutor.

2. The present Criminal Petitions came to be filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973, by the petitioners/A.2 to A.4 seeking enlargement on bail in Crime No.80 of 2015 of Devarapalli Police Station, registered for the offences punishable under Sections 20 (b)(i) r/w. 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985. Since both the applications are filed seeking enlargement on bail in same Crime No.80 of 2015, they are disposed of by this common order.

3. The case of the prosecution as narrated in the remand report is as under :

On 31.12.2015 while the Inspector of Police, P.S.Devarapally was found checking the vehicles, noticed one Silver colour Tata Indica DIs car coming from Jeenabadu Village towards Devarapalli village. On seeing the police, the car driver tried to reverse the car towards Jeenabadu village. The Inspector of Police along with his staff apprehended them and when questioned, the accused disclosed their names and identities. After complying with the statutory requirements, the statements of the accused were recorded and panchanamas was prepared in the presence of LWs.1 and 2. About 116 kgs of ganja packed in three gunny bags was recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocents of the offences alleged and a false case has been foisted against them for statistical purpose. He further submits that no search took place at the Jeenabadu village which is clear from the fact that no independent witnesses were examined.

5. Learned Public Prosecutor opposed the bail contending that LWs.1 and 2 are independent witnesses and that in their presence 116 Kgs of ganja was recovered. He further submits that if the petitioners are released on bail, there is every likelihood of their evading with the prosecution case.

6. A perusal of the averments in the remand report clearly discloses that on the date of incident, the vehicle in which the accused were travelling was intercepted and on search by the Gazetted officer, 116 kgs of ganja was recovered from the vehicle. No reasonable explanation is placed disputing the said seizure. Having regard to the facts of the case; taking into consideration the quantity of ganja seized, and as the petitioners are residents of Maharashtra State, I am not inclined to grant bail to the petitioners.

7. Accordingly, the Criminal Petitions are dismissed.

JUSTICE C. PRAVEEN KUMAR

Date:06.04.2016
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Dated : 06.04.2016

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