

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.10517 of 2016

ORDER:

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The petitioner, who is A2, in Crime No.41 of 2016 of Excise Police Station, Dhoolpet, Hyderabad, filed the present application under Section 438 of the Code of the Criminal Procedure (Cr.P.C.), seeking release in the event of her arrest in connection with the above crime, registered for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(c) of NDPS Act (for short, 'the Act').

The case of the prosecution is that on 19.01.2016, on receipt of credible information about illegal possession and sale of dry ganja at H.No.13-2-360/17/A, Shivalal Nagar, Upper Dhoolpet, Hyderabad, the Excise Officials reached the spot and seized five plastic bags containing 48 Kgs. of dry ganja. It is alleged that A1 confessed about the offences alleged. Basing on the said confession and seizure, the present case came to be registered.

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

Learned counsel for the petitioner submits that there is no material to show that the petitioner has committed the said offence. The petitioner was implicated only on the basis of confessional statement given by the accused. Further, he submits that investigation is complete and all the material witnesses are examined. Hence, he seeks bail.

Learned public prosecutor opposed the application contending that the accused who are involved in this nature of offences are not entitled for bail.

A perusal of the remand report indicates that the seized bags

contained 48 Kgs. of dry ganja, which is seized from A1. Further, A1 was granted bail by the Sessions Judge vide CrI.M.P.No.1070 of 2016 and A3, who is shown as accused only on the basis of confessional statement, was also granted bail by the Sessions Judge vide CrI.M.P.No.1259 of 2016.

Having regard to the above circumstances, though the request made by the petitioner is rejected, but, the petitioner shall surrender before the concerned Court and move an application for grant of bail, after giving prior notice to the Public Prosecutor, in which event the Court shall consider the same on such terms and conditions as the it deems fit, in view of the earlier orders passed on the same crime.

Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

29.07.2016
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