

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.15913 OF 2016

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Cr.P.C. by the petitioner/accused seeking bail in Crime No.120 of 2016 of Prohibition and Excise Station, Vemulawada, Karimnagar District, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. On 03.10.2016 on receiving reliable information, the Prohibition and Excise Inspector, Karimnagar conducted raids at Nampally Village, Vemulawada Mandal and seized 1.160 kgs. of dry ganja from the possession of the accused. The Excise Officials, during inventory, seized ganja from the possession of the accused. Basing on the panchanama, Crime No.120 of 2016 was registered against the petitioner for the offence punishable under Section 8(c) read with 20(b)(ii)(c) of NDPS Act. The petitioner/accused was remanded to judicial custody on the same day.

3. The contention of the learned counsel for the petitioner is that the officials have not followed the procedure as contemplated under NDPS Act.

4. Whether the officials have followed the procedure as contemplated under the NDPS Act or not will be decided at the time of trial. This is not the stage to go into the merits of the main case. A perusal of the record reveals that the petitioner filed Crl.M.P.No.595 of 2016 in Crime No.120 of 2016 on the file of the

Court of the I Additional Sessions Judge at Karimnagar seeking bail and the same was dismissed on 01.11.2016.

5. The learned Public Prosecutor, on instructions, submitted that the investigation is in progress. He further submitted that the petitioner involved in three similar type of offences. He also submitted that if the petitioner is released on bail at this stage, there is every chance to tamper the prosecution witnesses.

6. If the petitioner/accused is released on bail, during pendency of investigation, the possibility of tampering of the witnesses cannot be ruled out completely. Moreover, the petitioner herein involved in similar type of offences.

7. Having regard to the facts and circumstances of the case, I am of the considered view that it is not a fit case to grant bail to the petitioner at this point of time.

8. Accordingly, the Criminal Petition is dismissed.

9. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 11.11.2016
Ivd