

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

Criminal Petition No.14506 of 2016

ORDER:

Vide present petition, the petitioner seeks a direction, thereby releasing the petitioner/ A.2 on bail in connection with Cr.No.14 of 2016 of Mothugudem PS, East Godavari district, registered for the offences under Section 8 (c) read with 20 (B0(ii)(C) of N.D.P.S Act.

Present petition is filed on the ground that the petitioner has nothing to do with the aforesaid alleged offences and the petitioner has been falsely implicated in the crime with an ulterior motive to arrest the petitioner. The petitioner is a driver and no way concerned with the property i.e., 200 kgs of ganja seized.

Learned counsel for the petitioner submits that A.1 was transporting ganja in the vehicle and the petitioner being the driver of A.1 had to do the duty whatever instructed by the employer of the petitioner. The petitioner, though was aware of his carrying ganja, however, since his employer asked him to drive the vehicle carrying ganja, he had no option except to do his duty. He never indulged in such crime even before and has nothing to do with this case.

Fact remains that ganja of 200 kgs in eight white plastic bags were recovered while transporting same in Tata Indica Vista car bearing No.AP 36 TV 1701.

The petitioner was kept for the purpose of driving, as admitted by learned counsel for the petitioner. He is not supposed to do any illegal activities. The duty of the driver is to drive the car and while driving the car, he is not supposed to do any illegal and violative act.

Learned counsel for the petitioner seeks parity that as A.1, main accused had already released on bail. On seeing the bail order of A.1, it reveals that he is suffering from HIV and on medical grounds only he was released. Therefore, the benefit of the same cannot be extended to the petitioner.

Keeping in view the quantity of ganja and the seriousness of the case, Section 37 of the NDPS Act comes in the way. Therefore, I am not inclined to entertain the present petition for grant of bail to the petitioner/ A.2.

The criminal petition is, accordingly, dismissed.

Date: 19.10.2016
BSS



SURESH KUMAR KAIT, J

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