

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.12896 OF 2016

ORDER:

The petitioner, who is A.1, preferred the present Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure, 1973, seeking enlargement on bail in connection with Crime No.78 of 2016-17 of Prohibition and Excise Station, Srikalahasti, Chittoor District, registered for the offence punishable under Section 8(C) read with 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 04.08.2016 at about 5:00 A.M., on receipt of credible information about illegal possession of Ganja, Prohibition and Excise officials after securing mediators, proceeded to Jaihindupuram near by-pass road on Puthalapattu to Naidupeta road at Srikalahasti Town, and raided the house of the petitioners bearing D.No.14-71, where they found three white plastic bags. On seeing them, one male person ran away, they apprehended one female person. After complying with the mandatory requirements, the excise officials seized 55 Kgs of dry loose Ganja. Basing on the said search and seizure, the present crime came to be registered.

3. Learned counsel for the petitioner mainly submits that the house of the petitioner was leased out to A.2 and as such, the petitioner has nothing to do with the said search and seizure. He further submits that the possibility of the petitioner being present in the house appears to

be improbable since she would not have made an attempt to escape from the scene of offence.

4. Learned Public Prosecutor opposed the same.

5. As seen from the mediators' report prepared at the time of seizure, the petitioner claims to be the owner of the house. That being the position, a duty casts upon the petitioner to explain as to how such huge quantity of Ganja was kept in the bed room of her house. In the absence of any explanation with regard to possession of commercial quantity of Ganja, the contention of the learned counsel for the petitioner that the said Ganja does not belong to other inmates of the house cannot be accepted. It may be true that a third person must have kept it in the house, but being in possession of contraband, knowing it to be illegal, is an offence.

6. Having regard to the circumstances stated above and as the investigation is still pending, I am not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Date:07.09.2016
INL