

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.12870 OF 2016

ORDER:

The present Criminal Petition came to be filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973, by the petitioner/A.1 seeking enlargement on bail in connection with Crime No.3 of 2016-17 of Prohibition and Excise Station, Rajahmundry-North, registered for the offence punishable under Section 8(c) read with 20(b)(i) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on receipt of credible information about illegal transportation of Ganja, on 04.04.2016 at about 11:30 A.M., the Prohibition and Excise Officials, Rajahmahendravaram, after securing the presence of mediators, proceeded towards National Highway-16 towards Kovvuru side from Konthamuru and found one Scorpio vehicle coming towards Kovvuru. On seeing the police, the driver of the vehicle escaped. After following the mandatory provisions, police searched the said van and found A.1 and A.2 in possession of 120 Kgs of Ganja in 60 packets. Pursuant to their confession, on the same day at about 3:00 P.M., the excise officials raided a house in the village and found A.3 to A.5 in possession of 112 Kgs of Ganja. On interrogation they revealed that they were packing Ganja. Basing on the said search and seizure, the present crime came to be registered.

3. Learned counsel for the petitioner submits that the excise officials failed to comply with Sections 42 and 50 of the NDPS Act and he seeks permission to renew his request before the trial Court since such a plea was not specifically raised before the said Court.

4. Having regard to the submission made by the learned counsel for the petitioner, the Criminal Petition is disposed of permitting the petitioner to renew his request before the trial Court by filing an application, in which event the same shall be dealt with, in accordance with law, at the earliest.

Date:06.09.2016
INL

JUSTICE C. PRAVEEN KUMAR

