

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.4865 of 2016

ORDER:

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Heard the learned counsel for the petitioners and the learned Public Prosecutor.

2. Petitioners, who are accused Nos.1 and 2, filed the present Criminal Petition under Sections 437 and 439 of the Code of the Criminal Procedure, 1973 seeking enlargement on bail in Crime No.11 of 2016 of G.Madugula Police Station, Visakhapatnam, registered for the offence punishable under Section 20(b)(ii) of NDPS Act.

3. The case of the prosecution is that on 08.02.2016 on credible information about illegal possession of Ganja, Sub-Inspector of Police, G.Madugula Police Station along with staff while conducting vehicle check at MRO Junction, G.Madugula Mandal, found the accused moving in Car bearing No.TN 33K 6459 under suspicious circumstances. After complying with the mandatory requirements, police seized 50 Kgs., of Ganja and Rs.20,500/-. Basing on the said search and seizure, the present case came to be registered.

4. Learned counsel for the petitioners submits that the petitioners are innocents of the offence alleged and they are falsely implicated in this case.

5. Learned Public Prosecutor opposed the same.

6. A perusal of the Case Diary shows that the total quantity of Ganja involved in this case is 50 Kgs., which is commercial quantity. The averments in the panchanama and also the material

on record shows that a *prima facie* case is made out against the petitioners. In view of Section 37 of the NDPS Act and having regard to the circumstances of the case, I am not inclined to consider the request of the petitioners.

7. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Date:13.04.2016
INL