

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3420 of 2016

ORDER:

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The petitioners, who are A2 and A4, filed the present application under Sections 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in Crime No.111 of 2015 of Ananthagiri Police Station, Visakhapatnam District, registered for an offence punishable under Section 20 (b) of NDPS Act.

The case of the prosecution is that on 30.11.2015 at about 03.00 p.m., on receipt of credible information of illegal transportation of ganja, SI of police along with mediators proceeded to the spot and while conducting vehicle check at main road, near MRO Office, Ananthagiri (V), found a Bolero Pickup vehicle bearing No.MH04 DS-7844 coming from Araku and proceeding towards S.Kota. On seeking the police parties, the accused tried to escape from the vehicle. However, the police under suspicion chased and apprehended them. After complying with the mandatory provisions of the Act, the vehicle in which the contraband was found to contain 150 Kgs. of ganja, cash of Rs.40,000/- and 3 mobile phones. Basing on the said seizure, the present case came to be registered.

Learned counsel for the petitioners mainly submits that even accepting the allegations in the report to be true, no offence is made out against the petitioners and no incriminating material is seized from the accused.

Learned Public Prosecutor opposed the application

contending that the quantity of ganja seized is of commercial quantity weighing 172 Kgs. and hence the petitioners are not entitled for any relief.

A perusal of the record reveals that the petitioners were apprehended while they were transporting 172 Kgs. of dry ganja which is commercial quantity.

Having regard to the fact that the quantity of ganja seized is a commercial quantity; since a *prima facie* case is made out against the accused and in view of the bar under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, I am not inclined to grant bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

28.03.2016

vhb

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