

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.14154 of 2016

ORDER:

The petitioner, who is A5 in Crime No.21 of 2016 of Mothugudem Police Station, East Godavari District, filed the present application under Sections 437 and 439 of Cr.P.C. seeking enlargement on bail in the above crime, registered for the offences punishable under Sections 8(c) read with Section 20 (b)(ii)(C) of NDPS Act.

The case of the prosecution is that on 20.06.2016 at about 12.30 p.m., the Inspector of police, Chintoor Circle, while he was present in Mothugudem Police Station received credible information about illegal transportation of ganja in a car proceeding from Mothugudem to Bhadrachalam, secured the presence of Tahsildar, Chintoor Mandal and another person to act as mediators and secured electronic weighing machine and other police staff, intimated the information to higher officials and proceeded towards Lakkavaram Junction, Chadalawada Panchayat, Chintoor Mandal. On reaching the spot, the police officials found a car and on seeing the police party, the driver and two others tried to escape from them, but the police surrounded and apprehended them. On search, 140 Kgs. of ganja, worth Rs.4,20,000/-, was found in 7 plastic gunny bags and the same was recovered from the vehicle. Basing on the said search and seizure, the present crime came to be registered.

Learned counsel for the petitioner submits that the petitioner is entitled for relief as Section 50 of the Act is not complied with.

Learned additional public prosecutor opposed the application.

A reading of the mediators report would show that the Inspector of Police who was a member of the raid party, informed the accused that he is Gazetted officer and accordingly, served notice under Section 50 of NDPS Act.

It is to be noted that the remand report as well as mediators report does not anywhere indicate any personal search of the accused, which itself is sufficient to hold there is no violation of Section 50 of the Act.

Having regard to the above circumstances, since the quantity of ganja seized is commercial quantity and as the petitioner played a crucial role in loading ganja into the vehicle, his request cannot be considered at this stage.

Accordingly, the criminal petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

30.09.2016
vnb

