

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13414 OF 2016

ORDER:

The petitioners, who are A.3 and A.4, preferred the present Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure, 1973, enlargement on bail in connection with NDPS Sessions Case No.138 of 2016 on the file of the I Additional District and Sessions Judge, Rajahmundry, East Godavari District (Crime No.2 of 2016 of Jaggampeta Police Station, East Godavari District registered for the offence punishable under Section 8(c) read with 20(b) 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, the Sub-Inspector of Police along with his staff proceeded to Ananthalakshmi Engineering works at the outskirts of Ramavaram Village, Jaggampeta Mandal, on 03.01.2016 at about 4:00 P.M., at NH-16, and found a van bearing No.AP 20 Y 0129 coming from Visakhapatnam side, from which, A.1, A.2 and A.4 got down and tried to abscond, however, the police apprehended them. After complying with the statutory requirements, on search of the van, police found 240 Kgs., of Ganja kept in covers. Basing on these allegations, the present crime came to be registered.

3. Learned counsel for the petitioners submits that the petitioners are only drivers engaged by A.1, A.2 and A.5 and they have nothing to do with the offences alleged and since the statutory requirements are complied with, the petitioners are entitled for bail.

4. Learned Public Prosecutor opposed the petition.

5. As seen from the record, these petitioners filed Criminal Petition No.7238 of 2016 raising various grounds and the same was dismissed by this Court on 19.05.2016. It is stated by the learned counsel for the petitioners that the fact of the filing charge sheet was not brought to the notice of this Court in the earlier petition and hence seeks permission to file a fresh application before the trial Court.

6. Having regard to the circumstances of the case, the petitioners are at liberty to file a fresh application before the concerned Court, as urged by the learned counsel for the petitioners, after giving prior notice to the learned Public Prosecutor, in which event, the Court concerned shall decide the same, in accordance with law, uninfluenced by any observations made in the earlier order passed by this Court.

7. Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date:17.09.2016
INL