

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.9728 of 2016

ORDER:

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The petitioner, who is A1, 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.11 of 2016 of Ananthagiri Police Station, Visakhapatnam District, registered for an offence punishable under Section 20 (b) of NDPS Act.

On receiving credible information about illegal transportation of Ganja, the SI of police along with his staff, while conducting vehicle check, intercepted a lorry bearing No.AP 27 TW 261 TATA ACE going towards S.Kota from Araku, wherein the driver was sitting in a driving seat and two others in cabin. While the driver was apprehended, remaining two persons escaped from the scene. On conducting a vehicle check, the police found about 600 Kgs. of Ganja packed in 300 bags in 20 gunny bags. Further, A1 confessed about the offence and the alleged contraband was seized after complying with the mandatory provisions. Basing on the said confession and seizure, the above crime came to be registered.

Learned counsel for the petitioner mainly submits that since the petitioner is only a driver of the vehicle, his request may be considered on certain terms and conditions. The same is opposed by the learned public prosecutor contending that the quantity of Ganja seized from the vehicle driven by the petitioner being a commercial quantity, it cannot be said that the petitioner is innocent of the alleged offence.

As seen from the record, more particularly, the confession made by the petitioner clearly discloses that the accused purchased Ganja weighing 600 Kgs., packed in 300 packets and each packet weighs 2 Kgs. kept in 20 plastic gunny bags and were transporting the same for sale in Visakhapatnam via Hukumpeta and Araku. From the said confession and the seizure made, it cannot be said that the petitioner, who is driver of the vehicle, is unaware about the presence of contraband in the vehicle and hence he cannot claim to be innocent of the offence alleged. During the course of further investigation, A3 is alleged to have escaped from the police and A2, who was caught by the investigating agency, also gave a statement corroborating the version of A1.

In view of the facts stated above and since the quantity of Ganja seized is a commercial quantity, the request of the petitioner cannot be considered.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

19.07.2016

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