

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.9970 of 2016

ORDER:

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The petitioner, who is A2, filed the present application under Sections 437 and 439 of Cr.P.C., seeking enlargement on bail in Crime No.3 of 2016-17 of Prohibition and Excise Station, East Godavari District, registered for an offence punishable under Section 8 (c) read with Section 20 (b)(i) of NDPS Act.

The case of the prosecution as culled out from the report show that on receipt of credible information about transportation of Ganja, the Excise officials along with the mediators proceeded towards NH-16 Kovvuru side and found one Scorpio vehicle coming from Konthamuru. On seeing the police, the driver ran away and when the police conducted search, they found A1 and A2 in possession of 120 Kgs. of Ganja in 60 packets. Basing on the confession made by the accused, the Excise officials raided a house and found A3 and A5 in possession of 112 Kgs. of Ganja. After completing mandatory requirements and basing on the said search and seizure, the present case came to be registered.

Heard learned counsel for the petitioner and learned Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner mainly submits that the allegations made in the report are false and are invented for the purpose of the case. According to him, the petitioner is innocent of the offence alleged as he is only a passenger and the driver alone is responsible for carrying Ganja in the said vehicle. The same is disputed by the learned public prosecutor opposing the application.

A perusal of the remand report does not anywhere indicate that

the petitioner hired the vehicle. It appears to be a case where all the accused were found in possession of the Ganja and the petitioner is also aware of presence of contraband in the vehicle and hence it cannot be said that the driver alone is responsible for transportation of said Ganja.

In view of the above, the request of the petitioner cannot be considered.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

18.07.2016

vhb

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