

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.10865 of 2016

ORDER:

The petitioners, who are A.4 and A.5, 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.18 of 2016 of PS Mothugudem, registered for the offence punishable under Section 8 (e) read with 20 (b) (ii) (c) of N.D.P.S. Act.

The case of the prosecution is that on 23.05.2016 at 3.00 p.m. on receipt of information about transportation of ganja, Police along with mediators proceeded towards mud road near power canal bridge No.160 in between Forebay to Inthuluru Vaagu village and found a DCM vehicle bearing No.AP16 TW 4007. On suspicion, Police stopped and checked the vehicle. On search they found the petitioners in possession of 360 kgs. of ganja, which was recovered under cover of panchanama. Police arrested the petitioners and remanded them to judicial custody on 24.05.2016.

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

Learned counsel for the petitioners submits that the petitioners, who are students are falsely implicated in the offence. The same is opposed by the learned Additional Public Prosecutor contending that the quantity of ganja seized from the possession of the petitioners is commercial quantity, they are not entitled for grant of bail.

As seen from the record, about 360 kgs. of ganja was seized from the possession of petitioners and other accused. The investigation is still pending and as such the plea of false implication cannot be accepted at this stage. At this

stage, it is too premature to contend that the petitioners are not guilty of the offence. In view of the above and more particularly having regard to the fact that the quantity of ganja seized from the possession of the petitioners and other accused is more than commercial quantity, I am not inclined to consider the request of the petitioners for grant of bail.

Accordingly, the Criminal Petition is dismissed.

**JUSTICE C.
PRAVEEN KUMAR**

01.08.2016
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