

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 12557 of 2016

ORDER :

1) The petitioner, who is accused No.1 in Crime No.34 of 2016 of Buchayyapeta Police Station, Visakhapatnam District, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime, registered for the offences punishable under Section 20 (b) (i) read with 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2) The case of the prosecution is that on 28.05.2016 at about 2.30 hours on receipt of credible information with regard to transportation of ganja in the car, the S.I. of Police along with his staff went to Butchayyapeta Junction and started vehicle checking. At about 3.00 p.m. they found one Car bearing No.AP 31 TV 8654 coming from Vaddadi Side. On seeing the police, the driver stopped the car and one person, who was sitting beside the driver of the car, got down and escaped from the place. When the driver of the car also tried to escape, the police apprehend him with great difficulty. The driver of the Car is alleged to have confessed that on 27.05.2016 the petitioner approached him and offered to pay Rs.10,000/- for transporting ganja to Warangal. He agreed for the same and both of them went to Sagaram village, where the petitioner picked up two gunny bags of ganja from Sarugudu bushes

and loaded in the car. Basing on the confession and seizure the above case came to be registered.

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

4) Learned counsel for the petitioner submits that there is absolutely no material to connect the petitioner with the crime. According to him, the petitioner only agreed to transport the ganja to Warangal on payment of some money. It is his case that there is no material to show that the said contraband belongs to the petitioner. The same is opposed by the Public Prosecutor contending that the averments in the panchanama amply establish compliance of Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and also involvement of the petitioner in the crime. In support of the same he took me through the first mediators' report which was prepared at the scene.

5) A reading of the first mediator's report would show that on 27.05.2016 the petitioner approached the driver of the Car by name Barla China Ramana and offered him with Rs.10,000/- for transporting ganja to Warangal. The driver of the car agreed for the same and then both of them went to Sagaram Village in the said car. The petitioner picked up two gunny bags of ganja which were hidden in Sarugudu bushes and loaded the same into the Car. While transporting the said ganja the police apprehended the car driver. On seeing the police the petitioner who sat beside the driver escaped from the scene. Admittedly the petitioner was

present in the vehicle at the time of incident and the ganja belong to him. Having regard to the allegations made, this Court is of the view that this is not a fit case to grant anticipatory bail to the petitioner.

6) Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

31.08.2016
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