

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13223 OF 2016

ORDER:

The petitioner, who is A.1, preferred the present Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure, 1973, seeking enlargement on bail in connection with Crime No.22 of 2016-17 of Prohibition and Excise Station V.Madugula, Visakhapatnam District, registered for the offence punishable under Section 20(b)(i) read with 8(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

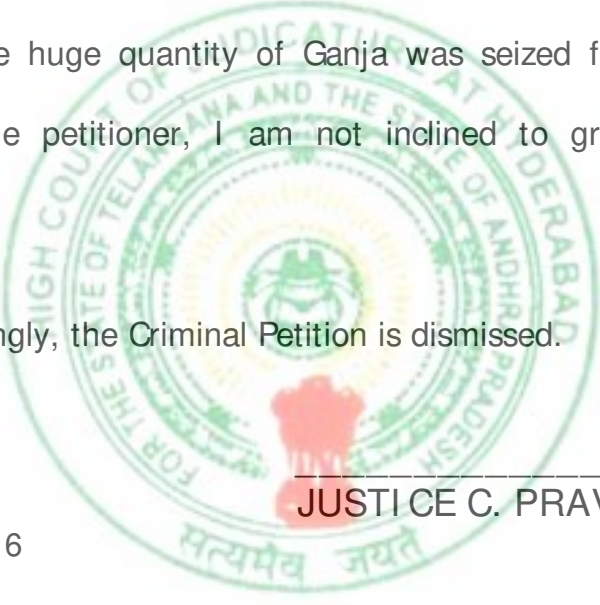
2. The case of the prosecution is that while the E.S. Task Force Party, Anakapalli are conducting route watch, intercepted the petitioner and A.2 while they were proceeding on a motorcycle. After complying with mandatory requirements, the police seized 12 Kgs of Ganja from the accused. They further informed the police that there was another vehicle following them which was also carrying Ganja. Subsequently, the second vehicle i.e., Car was also intercepted and 510 Kgs of Ganja was recovered. Basing on these allegations, the present crime came to be registered.

3. Learned counsel for the petitioner mainly submits that only 12 Kgs., of Ganja was seized from the possession of the petitioner and he cannot be made liable for 510 Kgs., of Ganja seized from another vehicle.

4. Learned Public Prosecutor opposed the same contending that the petitioner with a view to divert the attention of the police initially passed through the way with 12 Kgs of Ganja; that the vehicle from which 510 Kgs of Ganja was seized also belongs to the petitioner and in the absence of any explanation with regard to possession of huge quantity of Ganja, the petitioner is not entitled for bail.

5. The R.C. Book seized by the police discloses that the petitioner is owner of the vehicle from which 510 Kgs of Ganja was seized. Learned counsel for the petitioner also did not dispute the ownership of the vehicle. Since huge quantity of Ganja was seized from the vehicle belongs to the petitioner, I am not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Petition is dismissed.



JUSTICE C. PRAVEEN KUMAR

Date:21.09.2016
INL