

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5192 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.2, under Section 438 Cr.P.C., seeking bail in the event of his arrest in Crime No.150 of 2017 on the file of the Station House Officer, Prohibition and Excise Police Station, Nirmal, registered for the offences punishable under Section 8(c) read with 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, 34(a) read with 34(1) of A.P.Excise Act, 1968 read with 4(a) and 5(a) of A.P.Excise Rules, 1973.

2. The learned counsel for the petitioner submitted that the petitioner is only a driver and has nothing to do with the alleged offence. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the allegations made in the complaint *prima facie* constitute the offences alleged to have been committed by the petitioner. He further submitted that the investigation is in progress, therefore, it is not a fit case to grant bail to the petitioner.

3. The facts leading to filing of the present petition are briefly as follows: On 04.05.2017 at about 3.30 p.m., the Prohibition and Excise officials on receiving credible information visited the house bearing No.5-19, Kamala Nagar, RTC Colony, Venkatapuram village of Nirmal District and seized 330 Kgs of Chloral Hydrate and 25 Kgs of Alphrazolam. It is the further case of the prosecution that the petitioner

herein along with other accused has been carrying on business of prohibited drugs.

4. A perusal of the record reveals that the investigation is in progress. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of offence. The quantity of drugs seized by the Prohibition & Excise officials is a commercial quantity. Accused Nos.1 and 3 filed Crl.P.No.4920 of 2017 before this Court and the same was dismissed as withdrawn on 07.08.2017.

5. Having regard to the facts and circumstances of the case and also taking into consideration the nature of the offence alleged to have been committed by the petitioner, this Court is of the considered view that it is not a fit case to grant pre-arrest bail to the petitioner.

6. In the result, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

16th August, 2017
Rns