

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 13120 OF 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

2. The present Criminal Petition came to be filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973, by the petitioner/accused seeking enlargement on bail in Crime No.94/2016 of Dwaraka Police Station, Visakhapatnam City, registered for the offences punishable under Section 20 (b) (i) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and 3 and 12 of the Indian Passport Act.

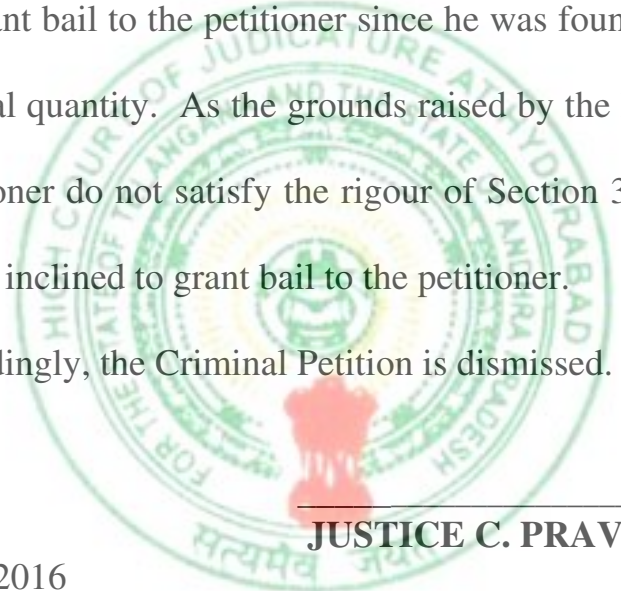
3. The case of the prosecution is that on 14.05.2016, on reliable information about illegal transportation of ganja, police along with mediators rushed to Old Khazana Show Room, Dwarakanagar and noticed the accused with two luggage bags. When the accused tried to escape on seeking police, they were caught and about 30 Kgs of ganja, which was sought to be transported by him illegally, was seized after complying with the mandatory requirements. Basing on these allegations, the present crime came to be registered.

4. Learned counsel for the petitioner would submit that passport of the petitioner was seized; as the petitioner is in jail from 14.05.2016 and since the investigation is almost complete, seeks bail.

5. Learned Public Prosecutor strongly opposed the same stating that the quantity of contraband seized is a commercial quantity and if he is released on bail, there is every likelihood of he committing similar offences.

6. A perusal of the remand report would go to show that the petitioner was arrested while he was illegally transporting 30 Kgs of ganja in 2 luggage bags, which is a commercial quantity. Merely because passport of the petitioner was seized, that by itself is not a ground to grant bail to the petitioner since he was found in possession of commercial quantity. As the grounds raised by the learned counsel for the petitioner do not satisfy the rigour of Section 37 of the NDPS Act, I am not inclined to grant bail to the petitioner.

7. Accordingly, the Criminal Petition is dismissed.



JUSTICE C. PRAVEEN KUMAR

Date: 14.09.2016
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