

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.10768 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.3/2016-2017 of Prohibition & Excise Police Station, Rajahmundry, registered for the offence punishable under Section 8 (e) read with 20 (b) (i) of N.D.P.S. Act.

The case of the prosecution is that on 04.04.2016 on receipt of credible information about transportation of ganja, the Prohibition & Excise officials proceeded towards NH-16 towards Kovvuru side from Konthamuru and found one Scorpio vehicle. On suspicion, Police stopped the vehicle. On seeing the Police, the driver absconded. On search of said vehicle, Police found A.1 and A.2 in possession of 120 kgs. of ganja in 60 packets. Basing on confession of A.1 and A.2, Police raided a house in the village and found A.3 to A.5 in possession of 112 kgs. of ganja.

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

Learned counsel for the petitioners mainly contends that there is no material to show that the petitioners were present in the room in which contraband was found. He further submits that petitioners were only engaged as coolies by A.1 and A.2. Hence, prays for grant of bail to the petitioners. The same is opposed by the learned Additional Public Prosecutor contending that merely because the petitioners were not present in the said room that does not exculpate them from the offence.

A perusal of material on record clearly discloses that these two petitioners were present in the house at the time of search by Police and it is not the case of the petitioners that they were not aware about the storage of ganja in the said house. It is not the case of the accused it was a dwelling house. Further, investigation is still pending in this matter. Hence, I am not inclined to grant bail to the petitioners, at this stage.

Accordingly, the Criminal Petition is dismissed.

**JUSTICE C.
PRAVEEN KUMAR**

01.08.2016
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