

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13115 OF 2016

ORDER:

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

2. The petitioner who is A1 in Crime No.235 of 2015 of S.Kota Police Station, Vizianagaram District, filed the present Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure, 1973, seeking enlargement on bail in the above crime, registered for the offences punishable under Section 8(c) read with Section 20(b) (ii) of NDPS Act.

3. The case of the prosecution is as under:

On 12.11.2015 on receipt of reliable information about illegal transportation of ganja, the police personnel while conducting vehicle check, intercepted a car bearing No.MH 13 BN 1314 coming from Araku and proceeding towards Visakhapatnam. Under suspicious circumstances, the police party searched the car and found ganja packed in a plastic feed bag. On that the SI of Police requisitioned the informant who was nominated gazetted officer to verify and examine the accused in the presence of mediators. After complying with the mandatory requirements under the NDPS Act and confession made by the accused, ganja weighing 26.495 Kgs. packed in 13 packets, mobile phone and driving license were seized by the police party. Basing on the said confession and seizure, the present crime came to be registered.

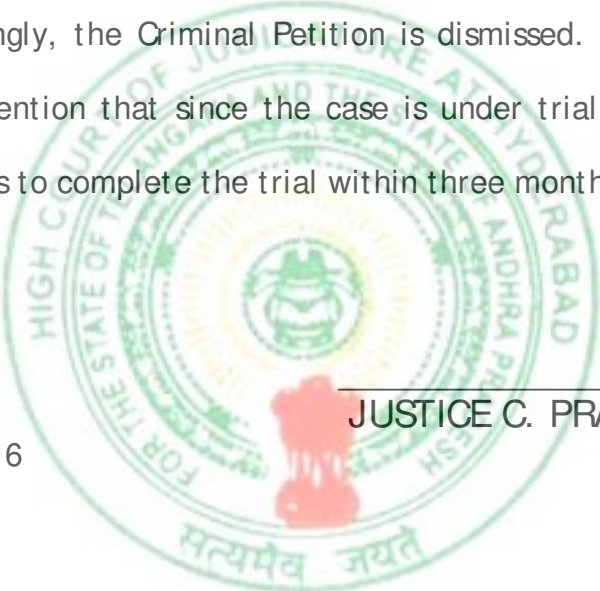
4. A perusal of the material placed on record would show that earlier the petitioner was arrested on 12.11.2015, however, on the next day, he escaped from the custody of the police while he was taken by

the police party to attend nature call. The material placed before the Court would also show that the petitioner moved an application for bail before this Court in Crl.P.No.7181 of 2016, but the same was dismissed as withdrawn on 01.06.2016. Subsequently, he filed Crl.P.No.7847 of 2016 seeking bail, which was dismissed on 15.06.2016 on the ground that the petitioner was found in possession of ganja weighing 26 Kgs.

5. Having regard to the circumstances stated above and since the quantity of ganja seized from the possession of the petitioner is commercial quantity, I am not inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Petition is dismissed. However, it is needless to mention that since the case is under trial, the trial Court shall take steps to complete the trial within three months.

Date:19.09.2016
vhb



JUSTICE C. PRAVEEN KUMAR