

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

TUESDAY THE TWENTYFIFTH DAY OF OCTOBER
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 14826 OF 2016

Between:

Nelluri Rambabu ... Petitioner/A-3

V/s.

The State of Andhra Pradesh
Represented by its Public Prosecutor
High Court of Judicature for the State
Of Telangana & Andhra Pradesh,
Hyderabad. ... Respondent
Through SHO Maredumilli Police Station,
East Godavari district.

Counsel for the Petitioner: Sri Gangisetty Rajeshwar Rao

Counsel for the Respondents: Public Prosecutor [AP]

The court made the following: [order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAITCRIMINAL PETITION NO. 14826 OF 2016ORDER :

This Criminal Petition is filed by the petitioner/A-3 under section 437 and 439 Cr.P.C. seeking to enlarge him on bail in Crime No. 8 of 2016 of Maredumilli Police Station, East Godavari district, registered for the offences under section 8 [c] read with section 20 [b] [ii] [c] of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution is that on 24/1/2016 at around 07:00 a.m., the Inspector of Police, Rampachodavaram Police Station, acting as Incharge of Maredumilli Circle, on credible information went to the outskirts of Maredumilli village towards Gurthedu village road at milestone No. 6/1 KM along with his staff and panchayatdars and noticed one vehicle TATA Xenon RX Pick-up van registered as AP-36-TB-0959. They tried to stop the vehicle with the help of staff, on seeing the police, three persons tried to flee away from the place by stopping the vehicle. The police nabbed all the three persons, enquired them in the presence of panchayatdars

and found that they were transporting ganja on TATA Xernon Pick-up van after purchasing the same from Bachaluru village with the involvement of A-4, A-7 and A-8, supplied by A-5 and A-6.

3. Learned counsel appearing on behalf of the petitioner/A-3 submits that the petitioner/A-3 as per the prosecution case was driving the said vehicle, however, the petitioner/A-3 has nothing to do with the transportation of ganja. He has simply taken an amount of Rs.10,000/- towards wages for transporting the ganja. He has not shared the booty of ganja. Thus, the petitioner/A-3 is entitle for bail.

4. On the other hand, learned Additional Public Prosecutor appearing on behalf of the State submits that 40 packets of ganja weighing 80 Kgs was recovered from the said van besides one cell phone and Rs.4000/- cash under the cover of mediators. The petitioner/A-3 along with co-accused involved in transporting the ganja. The petitioner/A-3 being the driver of the said van was aware of the fact that he is transporting the ganja which is illegal despite he accepted wages of Rs.10,000/- for transporting the same. He further

submits that if the petitioner/A-3 is granted bail, he may again indulge in the similar trade.

5. As stated by the counsel for the petitioner that the petitioner/A-3 was simply a driver of the said van and not involved in transporting the vehicle for ganja, however, I do not agree with the submission of the counsel for the petitioner/A-3 for the reason that no one would pay an amount of Rs.10,000/- for three days to transport the vehicle as driver from the place noted above. Even if it is presumed that the petitioner/A-3 has not received that much amount, the quantity of ganja is not so small and it is not concealed in any manner, therefore, he was aware of transporting 40 packets of ganja weighing about 80 KGs in the said van. Thus, knowingly he accepted the service of the said vehicle as a driver.

6. Keeping in view of serious allegations against the petitioner/A-3 and the quantity of ganja found from the said vehicle, section 37 of Narcotic Drugs and Psychotropic Substances Act, 1985

comes into play. Therefore, I hereby decline to admit the petitioner on bail.

7. Accordingly, this Criminal Petition is dismissed.

8. As a sequel, miscellaneous petitions if any, pending in this criminal petition shall stand closed.



JUSTICE SURESH KUMAR KAIT.

25/10/2016
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HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

CRIMINAL PETITION NO. 14826 OF 2016



Date: 25/10/2016
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Court Master: I s L