

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION Nos.12094 and 12319 of 2016

COMMON ORDER :

1) Criminal Petition No.12319 of 2016 is filed by accused No.1 and Criminal Petition No.12094 of 2016 is filed by accused Nos.9 to 13, under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in the above crime, registered against them and others for the offences punishable under Sections 8 (c) read with 20 (b) (ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2) The case of the prosecution is that on 31.01.2016 at about 3.00 p.m. on receipt of credible information about the transportation of ganja the Inspector of Police along with mediators went to Sivalayam of Puthigunta village, Y.Ramavaram Mandal and found accused Nos.1 to 14 and another loading bags in Bolero Vehicle bearing No.AP 37 TC 5593 by unloading the same from Maxi Truck. On seeing the police, the accused tried to run away, but with great difficulty the police apprehended 14 persons. The averments in the case diary further disclose that the police found 10 bags and each bag containing 10 packets of ganja. In all about 200 kgs. of ganja worth about Rs.8.00 lakhs was seized by the police. Pursuant to the search and seizure, the petitioner herein and other accused were arrested. The vehicles which were said to have been used for transporting the ganja were also seized under a cover of panchanama. Basing on these allegations the above case came to be registered.

3) Heard learned counsel for the petitioners and Additional Public Prosecutor appearing for the respondent-State.

4) A perusal of the material placed before the Court more particularly the averments in the remand report and charge sheet show that on 27.01.2015 accused No.2 took accused No.1 to Neelavaram Teegalametta Village of Visakhapatnam District where he met accused Nos.9 to 13 and asked them to supply 200 kgs. of ganja and paid Rs.31,000/- requesting them to hand over ganja at the outskirts of the village. The petitioners/accused Nos.9 to 13 are alleged to have supplied 80 kgs. of ganja and have also assisted accused No.1 in transporting the ganja. While they were unloading the ganja from Maxi Truck and loading the same to Bolero vehicle the petitioners were alleged to have been arrested.

5) Insofar as accused No.1 is concerned, earlier he filed Criminal Petition No.2479 of 2016 which was rejected on 14.03.2016. Subsequently, after filing of charge sheet he also filed Criminal Petition Nos.6346 and 7348 of 2016 which were also rejected on 28.04.2016 and 05.07.2016 respectively.

6) Insofar as accused Nos.9 to 13 is concerned, they filed Criminal Petition No.7379 of 2016 which was dismissed on 05.07.2016. It is to be noted that applications of these petitioners was rejected by this Court even after filing of the charge sheet. But however, the learned counsel for the petitioners submits that certain technical grounds which go to the root of the matter were not raised at that time and if the same are considered the petitioners would be entitled for bail.

7) It is to be noted that in the earlier petitions filed by the petitioners, no technical grounds were raised except stating that mandatory provisions under the N.D.P.S.Act are not followed. The petitions are silent as to which of the provisions of the N.D.P.S.Act

are not complied with and how they go to the root of the matter.

8) In view of the above, the petitioners are at liberty to move a fresh application for bail before the trial Court by raising issues which were not raised in earlier petitions, in which event the trial Court shall deal with the same in accordance with law.

9) With the above direction, both the Criminal Petitions are disposed of.

JUSTICE C. PRAVEEN KUMAR

27.08.2016

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