

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13446 OF 2016

ORDER:

The petitioner, who is A.2, preferred the present Criminal Petition under Section 438 of the Code of Criminal Procedure, 1973, seeking release in the event of his arrest in connection with Crime No.78 of 2016-17 of Prohibition and Excise Station, Srikalahasti, registered for the offence punishable under Section 8(c) read with 20(b)(ii) of the NDPS Act.

2. The case of the prosecution is that on 04.08.2016 at about 5:00 A.M., on receipt of reliable information, Prohibition and Excise Inspector along with his staff raided the house bearing Door No.14-71, Jaihindupuram, near bypass road of Poothalapattu to Naidupet road at Srikalahasti Mandal. On seeing them, a male person ran away, and found one female person in the house and three white plastic bags with 55 Kgs of dry loose ganja in south-west corner of the bed room. After complying with mandatory requirements, the excise officials seized the said Ganja. Basing on the said search and seizure, the present crime came to be registered.

3. Learned counsel for the petitioner submits that the allegations in the report are all false and he was falsely implicated in this case.

4. Learned Additional Public Prosecutor opposed the same.

5. As seen from the record, 55 Kgs of Ganja was seized from the house, which is in exclusive possession of the petitioner. Therefore, the argument of the learned counsel for the petitioner that the petitioner was falsely implicated in this case cannot be accepted. Moreover, the petitioner failed to satisfy the rigour of Section 37 of the NDPS Act. Having regard to the circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Petition is dismissed.

Date:27.09.2016
INL



JUSTICE C. PRAVEEN KUMAR