

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION NO.1637 of 2016

ORDER :

The petitioner, who is A3 in Crime No.1072 of 2015 of Prohibition and Excise Police Station, Peddapuram, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with the above crime registered for an offence punishable under Section 8(c) read with Section 20(b)(ii)(c) of NDPS Act.

The case of the prosecution is that on 13.02.2015 at about 05.30 p.m., the excise personnel found A1 and A2 transporting 126 Kgs. of dry ganja kept in 63 bags in a vehicle bearing registration No.AP 31 AV 7749. A1 and A2 are alleged to have confessed that A3 is the owner of the vehicle and that the contraband has been loaded by A3 in the vehicle in question. The said contraband was seized and the accused were arrested immediately.

Basing on the said seizure and confessions made, the above case came to be registered.

A perusal of the material on record would show that the quantity of ganja which was seized is a commercial quantity. Though interim custody of the vehicle was given to A1, investigation discloses that A3 played a crucial role in getting the contraband loaded in the vehicle and he is responsible for transporting the same.

Since the case is still under investigation, the request of the petitioner cannot be considered.

Accordingly, the Criminal Petition is dismissed. However, having regard to the fact that A1 and A2, who were found in possession of the vehicle in question, are said to have been released on bail, the

petitioner is at liberty to surrender before the concerned Court and move an application for grant of bail before appropriate Court after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with in accordance with law at the earliest.

JUSTICE C. PRAVEEN KUMAR

17.02.2016

vhb