

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 11479 OF 2016

ORDER :

The petitioner, who is accused No.1, filed the present Criminal Petition under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.41 of 2016 of Rolugunta Police Station, registered for an offence punishable under Section 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The case of the prosecution is that on receipt of credible information about illegal transportation of ganja, the police party went to Papampeta outskirts, where they found two persons carrying two gunny bags. On seeing the police, they tried to run away but the police apprehended them with great difficulty. Search of gunny bags revealed that they were carrying 38 kgs. of ganja. The police arrested them and seized the contraband. The said persons confessed that the petitioner gave cash of Rs.1000/- for carrying each bag of ganja from his village outskirts to his kallam sheds. Basing on the said search and seizure the above case came to be registered.

Heard learned counsel for the petitioner and Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that except the confession of co-accused there is no material to connect the petitioner with the crime. He further submits that the quantity of ganja seized from the possession of accused Nos.2 and 3 being less than commercial quantity, if apportioned, the petitioner may be released on anticipatory bail.

Learned Public Prosecutor opposed the application.

A perusal of the case diary would show that accused Nos.2 and 3 were arrested and 38 kgs. of ganja was seized from their possession. The petitioner claims to be not present at the time of seizure of contraband, but however basing on the confession made by accused Nos.2 and 3, the petitioner has been shown as accused No.1. It is represented by the learned counsel for the petitioner that accused Nos.2 and 3, from whom 38 kgs. of ganja was seized are released on regular bail. However, having regard to the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner, but however, the petitioner, if so advised, shall surrender before the Court concerned and make an application for regular bail, in which event, the same shall be considered in accordance with law on the same day or at the earliest.

With the above direction, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

10.08.2016
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