

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL PETITION No.12134 OF 2016
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ORDER:

Heard the learned counsel for the petitioner and the learned Public Prosecutor.

2. The present Criminal Petition came to be filed by the petitioner/A.5 under Section 438 Cr.P.C., seeking release in the event of his arrest in Crime No.77 of 2016 of Undrajavaram Police Station, West Godavari District, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The case of the prosecution is that on 26.05.2016 at about 2:30 P.M., near Electrical Sub-Station, Undrajavaram, at the poultry farms belongs to Karuturi Venkateswara Rao, situated by the road side of Ajjaram road in Tadiparru Village outskirts, A.3 and A.4 were arrested while they were transporting 12 bags of Ganja each bag containing 10 packets and each packet containing 2 Kgs of Ganja, in total 120 Kgs of Ganja, worth of Rs.12.00 Lakhs. During confession, they stated that they worked under A.2 and disclosed the names of other accused. Basing on which, on 14.06.2016 at about 10:30 A.M., the Inspector of Police, Tanuku Circle, Tanuku, on receipt of credible information, secured the presence of mediators and staff and apprehended A.2. On enquiry, A.2 stated that he sent narcotic drug Ganja in two cars on 25.05.2016 from East Godavari to Hyderabad. Basing on these allegations, the present crime came to be registered. During the course of investigation, it is revealed that the petitioner/A.5 indirectly participated in this case by giving his cars to transport Ganja for illegal gain.

4. Learned counsel for the petitioner submits that though the petitioner is owner of the vehicle, he is innocent of the offence; he further stated that as driver of the vehicle misused the same, the petitioner cannot be held

responsible for the same.

5. Learned Public Prosecutor opposed the same contending that the petitioner is aware about the usage of the vehicle, which is revealed from the material collected by the police during the course of investigation, hence urged that the petitioner is not entitled for anticipatory bail.

6. In view of the argument advanced by the learned counsel for the petitioner that the petitioner is owner of the vehicle and the vehicle was used for transportation of Ganja, I am not inclined to grant anticipatory bail to the petitioner. However, the petitioner is at liberty to surrender before the concerned Court and move an application for bail after giving prior notice to the learned Public Prosecutor, in which event the same shall be considered in accordance with law at the earliest.

7. Accordingly, the Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Date:30.08.2016

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