

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.3784 of 2016

ORDER:

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The petitioner, who is A2, filed the present application under Sections 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in Crime No.48/1/2/2015-NCB/SUB-ZONE, Hyderabad Zone, registered for the offences punishable under Section 8 (c) read with Section 21 (c), 23, 27-A, 28 and 29 of NDPS Act.

The case of the prosecution is as under:

The NCB officers, on receiving information that the petitioner is coming to reliance mart, opposite to Kamineni hospital, L.B.Nagar, to deliver 1 Kg. of heroin to A1, secured two independent mediators and apprehended A1 and A2 on 24.05.2015 at about 05.30 pm near reliance mart. On search, the officials found two polythene bags containing heroin weighing about 1.056 Kgs. A1 and A2 are alleged to have confessed about the offence and the contraband was seized under the cover of panchanama in the presence of mediators. Basing on the said confession and seizure, the present case came to be registered.

Learned counsel for the petitioner mainly submits that since the petitioner was arrested on 25.05.2015 and as the investigation is completed, he seeks bail.

Learned counsel for the respondent opposed the application contending that the quantity of heroin seized is commercial quantity weighing about 1.056 Kgs. and hence the petitioner is not

entitled for any relief.

A perusal of the record reveals that the petitioner and A1 were apprehended and were found in possession of heroin weighing about 1.056 Kgs. which is more than the commercial quantity.

Having regard to the fact that the quantity of the contraband seized is more than the commercial quantity; in the absence of any material to show that the petitioner is innocent of the offences alleged; in view of the bar under Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985; and as this Court earlier rejected the request of the petitioner for grant of bail on 08.02.2016 vide CrI.P.No.1115 of 2016, I am not inclined to grant bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

30.03.2016

vhb

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