

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.13326 OF 2016

ORDER:

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

2. The petitioners who are A1 to A3 in Crime No.853 of 2015-2016 of Prathipadu Police Station, East Godavari District, filed the present Criminal Petition under Sections 437 and 439 of the Code of Criminal Procedure, 1973, seeking enlargement on bail in the above crime registered for the offences punishable under Section 8(c) read with Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The case of the prosecution is that on 12.03.2016 at about 06.00 p.m., on receipt of credible information about illegal transportation of ganja, the inspector of police along with his staff and mediators proceeded towards Karlampudi out skirts and while conducting vehicle check found three accused coming in one white colour Scorpio vehicle under suspicious circumstance and accordingly stopped the vehicle. When the police conducted search of the car, the accused were found in possession of 150 Kgs. of ganja in mica bags which was seized after complying with the mandatory requirements. Basing on the said allegations, the present case came to be registered.

4. Learned counsel for the petitioners mainly submits that as the entire investigation is over and charge sheet is filed, the request of the

petitioners may be considered. The same is opposed by the learned public prosecutor contending that the case is still under investigation. He further submits that on 10.06.2016, this Court dismissed the request of the petitioners and as such they are not entitled for any relief in the absence of any changed circumstances.

5. A perusal of the averments in the report would show that total quantity of ganja weighing about 150 Kgs., which is commercial quantity, is seized from the petitioners who were travelling in the car. Except stating that the investigation is over and charge sheet is filed, the petitioners were not able to satisfy the rigour of Section 37 of NDPS Act. Apart from that, the record also discloses that earlier the petitioners moved Cri.P.No.7476 of 2016 before this Court, which was dismissed on 10.06.2016.

6. In view of the above circumstances, the request of the petitioners is rejected.

7. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Date:15.09.2016
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