

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CRIMINAL PETITION No.11077 OF 2016
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ORDER:

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

2. The present Criminal Petition came to be filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973, by the petitioners/A.1 and A.2 seeking enlargement on bail in connection with Crime No.152 of 2016 of III Town (L&O) Police Station, Rajahmundry, East Godavari District, registered for the offence punishable under Section 8(a)(c) read with 20(b)(ii)(C) of the NDPS Act read with 34 IPC.

3. The case of the prosecution is that on receipt of information about illegal transportation of Ganja, the Inspector of Police along with his staff, on suspicion, stopped two vehicles in which the petitioners and other accused were travelling. On search, after complying with the statutory requirements, the authorities found 1160 Kgs., of Ganja and cash of Rs.70,000/-. Basing on these allegations, the present crime came to be registered.

4. Learned counsel for the petitioners submits that the allegations made in the report are all false and invented for the purpose of this case and that the present case has been registered against the petitioners in view of political rivalry between them.

5. Learned Additional Public Prosecutor opposed the same contending that having regard to the quantity of Ganja seized, the

petitioners are not entitled for bail.

6. As seen from the averments in the First Information Report and also the Remand Case Diary, these petitioners along with three other accused were apprehended while moving under suspicious circumstances in two vehicles bearing Nos.AP 37 Y 3534 and AP 16 BC 9227 and from both the vehicles, 1160 Kgs of Ganja and cash of Rs,70,000/- were seized. No explanation is placed before the Court with regard to their possession of such huge quantity of Ganja. It may be true that charge sheet is filed, but that by itself shall not be a ground to release the petitioners on bail. Having regard to the circumstances of the case, it cannot be said that no *prima facie* case is made out against the petitioners. In view of the above, I am not inclined to grant bail to the petitioners.

7. Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

Date:02.08.2016

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