

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

CRIMINAL PETITION No.1475 OF 2016

ORDER:

Heard the learned counsel for petitioners/A-3 and A-4 and the learned Public Prosecutor (Andhra Pradesh).

2. The present Criminal Petition came to be filed under Section 438 of the Code of Criminal Procedure, 1973 seeking enlargement of the petitioners/A-3 and A-4 on bail in the event of their arrest in Crime No.152/2015-16 of Chittoor Prohibition & Excise (Rural) Police Station, Chittoor District, registered for the offences punishable under Sections 8(c) read with 8(b)(ii)(c) read with Section 20(b)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Case of the prosecution is that on 02.11.2015, at about 1.30 P.M., the raid party along with their staff and mediators arrested A-1 and A-2 while they were found transporting 2 kgs. of dry ganja in their vehicle. On enquiry, both of them revealed that they purchased ganja from A-3. The raid party seized 2 kgs. of ganja from A-1 and A-2 and took samples under the cover of a panchanama. Basing on the confession statement of A-1 and A-2, the raid party searched the house of A-3 and found nobody present in the house. Then, they affixed the search proceedings to the door of the house of A-3 in the presence of mediators, searched the house and found 15 kgs. of dry ganja in a white urea bag, and seized the same after taking samples under cover of a panchanama drafted on the spot. On enquiry, A-1 and A-2 revealed that they initially approached A-4, who is also resident of M.Bandapalli Village, for purchase of 2 kgs. of ganja, but as A-4 was unable to arrange enough stock as per their demand, they purchased the ganja from A-3. Then, the raid party proceeded to the house of A-4 and found the wife of A-4 namely Ammulu present in the

house. Then, they informed the grounds for house search and after serving the search proceedings on her, searched the house and found 500 grams of ganja, which was seized. Basing on these allegations, the present report came to be registered.

4. Learned counsel for the petitioners mainly contends that even if the allegations made against the petitioners are taken as true, they cannot be convicted. According to him, nobody was present in the house of A-3 when the search was made and even in the house of A-4, the fourth accused was not present and his wife who is aged about 19 years alone was present.

5. Learned Public Prosecutor opposed the contention that on the confession of A-1 and A-2, the raid party broke the doors of the houses of the petitioners, searched the houses and made the recovery.

6. A perusal of the material placed before the record shows that initially, A-1 and A-2 were arrested and pursuant to their confession, the raid party proceeded to the house of A-3 where 15 kgs. of ganja was recovered. It is true that nobody was present in the house of A-3 at the time when the search was made. Further, the confession made by A-1 and A-2 show that they purchased the said ganja from A-3 when A-4 expressed his inability to meet their entire demand. Similarly, the raid party searched the house of A-4 and recovered 500 grams of ganja and his wife was present in the house at that time. Since the offences alleged being grave in nature though the quantity recovered from A-4 is small, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the same is rejected. However, the petitioners shall surrender themselves before the Court concerned and move an application for bail after giving prior notice to the Public Prosecutor, in which event, the same shall be dealt with on the same day or at the earliest, in accordance with law.

—

AMD

—

—

CRIMINAL PETITION No.1475 OF 2016

-

-

-

DATE: 19.02.2016

AMD