

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.6746 of 2017

ORDER:

This criminal petition is filed, by the petitioner-accused No.3, under Sections 437 and 439 of Cr.P.C., seeking bail in Crime No.14 of 2017 on the file of the Station House Officer, Mothugudem Police Station, East Godavari District, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act.

2. The learned counsel for the petitioner submitted that the petitioner is a Government employee and he would not jump the bail even if he is enlarged on bail. He further submitted that almost all the investigation is completed; therefore, it is a fit case to grant bail to the petitioner. ***Per contra***, learned Additional Public Prosecutor representing the State submitted that the petitioner is not entitled for bail, in view of Section 37 of the NDPS Act. He further submitted that the investigation is in progress; therefore, it is not a fit case to grant bail to the petitioner.

3. As per the prosecution version, 60 Kgs of Ganja was seized from the petitioner and others. The petitioner was arrested on 14.4.2017 and remanded to judicial custody.

4. The petitioner filed CrI.P.No.4017 of 2017 seeking bail and the same was dismissed by this Court on 19.6.2017 by passing an elaborate order. There is no dispute that the petitioner is entitled to file any number of bail petitions. However, while deciding the subsequent bail petition, the court has to consider whether there are any changed circumstances from the date of dismissal of

previous bail petition. The record reveals that there are no changed circumstances from the date of dismissal of the previous bail petition till the date of filing of the present bail petition.

5. Taking into consideration the nature of the offences alleged to have been committed by the petitioner and in view of Section 37 of the NDPS Act, this court is of the considered view that it is not a fit case to grant bail to the petitioner.

6. Hence, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

August 09, 2017
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