

HON' BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2426 of 2017

ORDER:

This criminal petition is filed by the petitioner/A.1, under Sections 437 and 439 of Cr.P.C., to enlarge him on bail in Cr.No.4 of 2016 of PS Mothugdem, East Godavari District, registered for the offences punishable under Sections 8(c) read with Section 20(b)(ii)(c) of NDPS Act. The petitioner is in judicial custody since 17.08.2016.

2. The main contention of the petitioner is that the other accused i.e., A.2 was enlarged on bail by this court in CrI.PNo.1630 of 2017 dated 10.03.2017, on the ground that A.3 was already acquitted for the above offences after full-fledged trial, as the case was separated against him. No doubt, A.3 was acquitted and A.2 was already enlarged on bail, but it is brought to the notice of this court by the Additional Public Prosecutor (AP) that the petitioner is the owner of the vehicle, in which the contraband has been transported and that he involved in some other crimes also. Though the Additional Public Prosecutor did not produce any material to show this petitioner involved in any other crimes, it is an undisputed fact that the petitioner is the owner of the vehicle involved in the crime and thereby transporting ganja in the vehicle by contravening provisions of Section 8(c) read with 20(b)(ii)(c) of the NDPS Act, A.3 was acquitted only on the ground of non-compliance of certain provisions, more particularly, Section 42 of the NDPS Act. But that itself is not a ground to enlarge the petitioner on bail, as he is the owner of the vehicle involved in the crime and hence, he is not entitled to be enlarged on bail.

3. However taking into consideration of the facts and circumstances of the case, I deem it appropriate to direct the Presiding Officer (I Additional Sessions Judge, Rajamahendravaram) to try and decide the NDPS sessions case filed against the petitioner/ A.1, as expeditiously as possible, in any event not later than three months from the date of receipt of a copy of this order.

4. With the above direction, the criminal petition is disposed of.

M. SATYANARAYANA MURTHY, J

Date: 04.04.2017
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