

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION Nos.7236 and 7240 of 2017

COMMON ORDER:

Criminal Petition No.7236 of 2017 is filed by the petitioners-accused Nos.7 and 8, and criminal petition No.7240 of 2017 is filed by petitioner No.6, under Sections 437 and 439 Cr.P.C., seeking bail in S.C. No.77 of 2017 on the file of the Court of I Additional District and Sessions Judge, Rajamahendravaram, arising out of Crime No.152 of 2016 on the file of the Station House Officer, III Town (L&O) Police Station, Rajamahendravaram, registered for the offences punishable under Sections 8(a)(c) read with 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act (the NDPS Act).

2. Heard the learned counsel for the petitioners and learned Additional Public Prosecutor representing the State.

3. A perusal of the record reveals that accused Nos.7 and 8 filed CrI.P.No.7188 of 2016, and accused No.6 filed CrI.P. No.12221 of 2016, under Sections 437 and 439 of Cr.P.C., seeking regular bail in Crime No.152 of 2016, and this Court allowed the criminal petitions vide orders dated 12.5.2016 and 15.9.2016 respectively, enlarging them on bail.

4. A perusal of the record reveals that after releasing on bail in Crime No.152 of 2016, the petitioners involved in Crime No.219 of 2016 on the file of the Station House Officer, Kadiyam Police Station. After completion of the investigation, the Police filed charge sheet for the offences under Sections 8(c) read with

20(b)(ii)(c) of the NDPS Act. The petitioners herein faced trial in N.D.P.S. S.C. No.68 of 2017 on the file of the Court of Special Sessions Judge for Trial of the Cases under the NDPS Act-cum-I Additional Sessions Judge, Rajamahendravaram. After full-fledged trial, the petitioners were acquitted, in S.C. No.68 of 2017, on technical grounds.

5. Accused Nos.7 and 8 filed CrI.M.P.No.1046 of 2017, and accused No.6 filed CrI.M.P.No.1047 of 2017, on the file of the Court of I Additional District and Sessions Judge, East Godavari District, at Rajamahendravaram, under Section 439 of Cr.P.C., seeking bail in the present case, and the said petitions were dismissed, vide separate orders dated 05.7.2017.

6. The fact remains that the petitioners are facing trial in S.C. No.77 of 2017 for the offences under Sections 8(a)(c) read with 20(b)(ii)(c) of the NDPS Act. A perusal of the record *prima facie* reveals that the petitioners involved in similar type of offence in Crime No.152 of 2017, after releasing on bail, in the present case. In such circumstances, as rightly pointed out by the learned Additional Public Prosecutor, if the petitioners are released on bail, the possibility of involving in similar type of offences cannot be ruled out completely. The learned Additional Public Prosecutor submitted that the trial court posted the matter to 24.8.2017 for appearance of the accused and framing of the charges.

7. Having regard to the facts and circumstances of the case and also the stage of S.C. No.77 of 2017, this court is of the considered view that it is not a fit case to grant bail to the petitioners.

However, the trial court is directed to dispose of the matter as expeditiously as possible.

8. With the above observation, the criminal petitions are dismissed.

T.SUNIL CHOWDARY, J

August 21, 2017
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