

HON' BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2560 of 2017

ORDER:

This Criminal Petition is filed under Sections 437 and 439 of Cr.P.C., to enlarge the petitioner/ A-1 on bail in NDPS SC No.184 of 2016 on the file of the I Additional Sessions Judge, East Godavari at Rajahmundry (Crime No.26 of 2016 of Maredumilli Police Station), registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'). He is in judicial custody since 12.06.2016.

2. The present criminal petition is renewal of earlier request in Crl.P.No.1323 of 2017, which ended in dismissal by this court by following the principles laid down in '*State of Madhya Pradesh vs. Kajad*¹'. There are no major changed circumstances after dismissal of the earlier criminal petition except filing of the charge sheet before the Sessions Court. However, the quantum of ganja involved in the above crime is 384 Kgs, which is commercial quantity and in view of Section 37 of the NDPS Act, it is difficult to exercise the power under Section 439 Cr.P.C., in view of the law declared by the apex court in *Kajad's* case (stated supra). Mere filing of charge sheet by itself is not a major changed circumstance. Therefore, the petitioner is not entitled to enlarge on bail.

3. However, at the end of the arguments, learned counsel for the petitioner requested this court to direct the Sessions Court to decide the NDPS SC No.184 of 2016, as expeditiously as possible, as the petitioner is in judicial custody since 12.06.2016.

¹ AIR 2001 SC 3317

4. Acceding the request of the learned counsel for the petitioner, while dismissing the criminal petition, the learned Special Sessions Judge for NDPS cases (I Additional Sessions Judge, East Godavari at Rajahmundry) is directed to try and decide the NDPS SC No.184 of 2016, within four months from the date of receipt of a copy of this order.

M. SATYANARAYANA MURTHY, J

Date: 03.04.2017
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