

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.4316 of 2017

ORDER:

This petition is filed under Sections 437 & 439 Cr.P.C. Petitioners/A1 & A2 seek regular bail in Crime No. 11 of 2017 of V.Madugula Prohibition and Excise Station, Visakhapatnam, wherein they allegedly committed offence under Section 20 (b) (ii) r/w 8 (c) of NDPS Act, 1985.

The prosecution case is that on 9.4.2017 at about 11.00 hours the Enforcement Wing, Visakhapatnam headed by Prohibition and Excise Inspector along with other mediators while conducting patrolling detected at Garikabanda junction limits of V. Madugula Mandal, the accused transporting ganja in a red color Innova bearing No. AP 35 F2425. The vehicle was intercepted by the authorities and on search they found 60 kgs dry ganja which is a commercial quantity. The contraband was seized and accused were arrested and a case was registered against them and investigated into.

Bail is pleaded on the main submission that the accused are innocent and due procedure as contemplated under law was not followed while seizing the contraband and hence the same is vitiated.

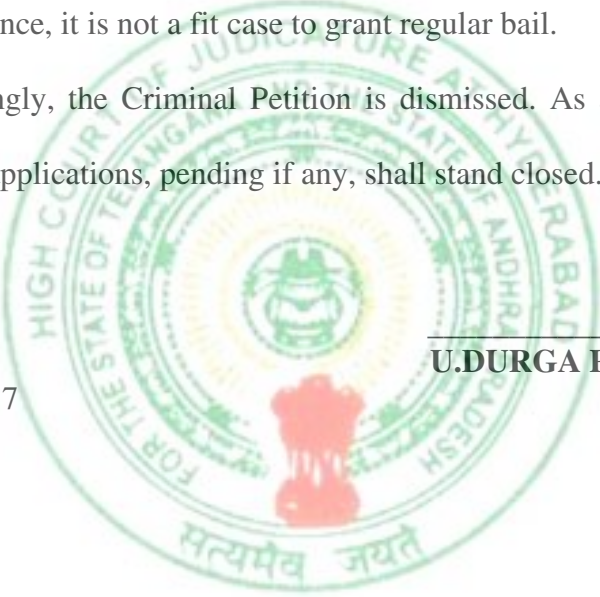
Learned Additional Public Prosecutor opposed the bail on the ground that due process was followed, investigation is still pending and charge sheet is not yet filed.

As seen from the material that patrolling was conducted by the Prohibition and Excise Inspector who confirmed the ganja in the vehicle. The

said officer himself is a Gazetted Officer. The contraband was found in the vehicle but not on the person of the accused. In these circumstances, there is no violation of the provisions under NDPS Act. The CD record shows that the commercial quantity of the ganja was seized from the accused and Section 37 possess statutory interdict for considering the bail. There is a strong prima facie accusation against petitioners/A1 & A2, and investigation is reported to be pending. Hence, it is not a fit case to grant regular bail.

Accordingly, the Criminal Petition is dismissed. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

Date: 22.06.2017
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A large, faint, circular watermark seal of the High Court of Judicature at Hyderabad, State of Andhra Pradesh, is centered on the page. The seal features the text 'HIGH COURT OF JUDICATURE AT HYDERABAD, STATE OF ANDHRA PRADESH' around the perimeter and 'FOR THE STATE OF TELANGANA' at the bottom. In the center is a green emblem with a red base, and the motto 'सत्यमेव जयते' is written in Devanagari script at the bottom.

U.DURGA PRASAD RAO, J