

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9489 of 2017

ORDER:

This petition is filed, by the petitioner-accused No.6, under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.65 of 2017 on the file of the Station House Officer, Nirmal Rural Police Station, Nirmal District, registered for the offence punishable under Section 20(a)(b)(i) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case. He further submitted that the ganja alleged to have been seized from the possession of the petitioner is not a commercial quantity.

3. The learned Additional Public Prosecutor submitted that on the same day the investigating agency seized 34 kgs. of ganja from the possession of the petitioner and other accused. He further submitted that the investigation is in progress; therefore, it is not a fit case to grant bail to the petitioner.

4. The case of the prosecution is that on 26.07.2017 at about 03:30 hours, on receiving reliable information about illegal transportation of ganja, the Circle Inspector of Police, Nirmal Rural Police Station, proceeded to Y.S.R. Nagar, Nirmal, and apprehended accused Nos.1 and 2 and seized 2 kgs. of ganja each from their possession. In pursuance of the information given by the other accused, the Inspector of Police raided the house of the petitioner and seized 5 kgs. of ganja. In total the Inspector of Police seized 34 kgs. of ganja from the houses of accused Nos.1 to

7. It is the further case of the prosecution that the petitioner herein used to purchase the ganja from the persons, who belong to Maharashtra State, and sell the same to accused No.5. After completion of the necessary formalities, the Inspector of Police, Nirmal Rural Police Station, registered the above case.

5. The petitioner along with accused No.7 filed CrI.M.P.No.726 of 2017 on the file of the Court of the Special Judge for NDPS Act-cum-I Additional Sessions Judge, Adilabad, and the same was dismissed on 16.08.2017 on the ground that investigation is in progress.

6. A perusal of the record reveals that the petitioner herein along with other accused selling the ganja to the needy people. A perusal of the record *prima facie* reveals the role played by the petitioner in the commission of the offence. The record further reveals that the investigation is in progress. As rightly pointed out by the learned Additional Public Prosecutor, if the petitioner is released on bail, the possibility of threatening the witnesses cannot be ruled out completely.

7. Taking into consideration the gravity of the offence alleged to have been committed by the petitioner as well as the stage of investigation, this Court is of the considered view that it is not a fit case to grant bail to the petitioner.

8. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 13.10.2017
Ivd