

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition No.6168 of 2017

ORDER:

In this petition filed under Sections 437 and 439 Cr.P.C, the petitioner/A.2 seeks regular bail in Crime No.8 of 2017 of Mothugudem PS, East Godavari District, which was registered against the petitioner and other accused for the offences under Sec.8(c) r/w 20(b)(ii)(c) of NDPS Act.

2) The prosecution case is that on 03.03.2017, the Inspector of Police, Chintoor circle on receipt of credible information that Ganja was being illegally transported, proceeded to conduct raid after obtaining permission from SDPO, Chintoor and went to Lakkavaram junction, Chadawalawada Panchayat, Chintoor Mandal along with staff and mediators. At about 2:00pm, having noticed a lorry bearing No.TS 04 UB 2204 proceeding from Mothugudem side towards Bhadrachalam, stopped the vehicle and found A.3 and A.5 in the lorry and on inspection they found 800 kgs of Ganja in the lorry. The confession of A.3 and A.5 revealed that Ganja was purchased by A.1 with the help of A.4 and it was transported in the lorry of A.2 on hire. Investigation is reported to be pending.

3) Denying the allegations, learned counsel for petitioner would seek bail mainly on the submission that the lorry bearing No.TS 04 UB 2204 does not belong to the petitioner/A.2 and it belongs to one Vankudoth Laxmi and he was unnecessarily implicated in the case.

4) Learned Additional Public Prosecutor while opposing the bail would submit that pursuant to the revelation of A.3 and A.5, the police have arrested A.1 and A.2 on 09.04.2017 and their admission clearly revealed that the lorry no doubt belonged to said Vankudoth Laxmi who is none other than the aunt of A.2 from whom A.2 purchased the lorry and hired it for transporting the Ganja.

5) As can be seen, commercial quantity of the Ganja was found in the lorry and the confessional statements of the accused reveals that the lorry was purchased by A.2 and used for illegal transportation of the Ganja. Therefore, there is a strong *prima facie* case against the petitioner/A.2. Ofcourse, the truth in the contention of the petitioner/A.2 that the lorry does not belong to him and it belongs to one Vankudoth Laxmi has to be ascertained and confirmed only after full-fledged investigation. As the matter stands, as already stated supra, there is a strong *prima facie* case against the petitioner/A.2 and more than commercial quantity of Ganja was seized from the lorry in question and investigation is pending. Therefore, it is not a fit case to grant bail at this stage.

6) Accordingly, this petition is dismissed.

U.DURGA PRASAD RAO, J

Date: 31.07.2017

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