

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION NO.3878 OF 2017

ORDER:

This is a renewed bail application filed by the petitioner/A-3 seeking regular bail in Crime No. 76 of 2016 of Police Station, Chinturu wherein all the accused allegedly committed offences under Sections 120(b) r/w 34 IPC and Section 8 (c) r/w 20(b)(ii)(C) of NDPS Act.

It may be noted that the earlier bail application filed by this petitioner in CrI.P.No.306 of 2017 was dismissed on 24.01.2017 holding that a commercial quantity of ganja i.e. 2000 kgs. and odd was seized from the possession of the accused and investigation was pending. Projecting filing of charge sheet as subsequent important changed circumstance, learned counsel sought for bail.

Admitting that the charge sheet was filed and the case was registered as S.C.No.91 of 2017 on the file of the 1st Addl. Dist. and Sessions Judge, Rajamahendravaram, still the Addl.P.P. opposed the bail on the submission that the matter is coming up for charges and in view of seizure of the commercial quantity of ganja, Section 37 of NDPS Act would pose an interdict even-after filing of the charge sheet and on the other hand, the presumption that the accused have committed the offence has been proved in view of police filing the charge sheet. Thus, prayed to dismiss the petition.

In view of the above submission of the learned Addl.P.P., the bail application cannot be considered as the commercial quantity of ganja was seized and Section 37 of NDPS Act continued to pose as an interdict even-after filing of the charge sheet. Accordingly, the bail application is dismissed.

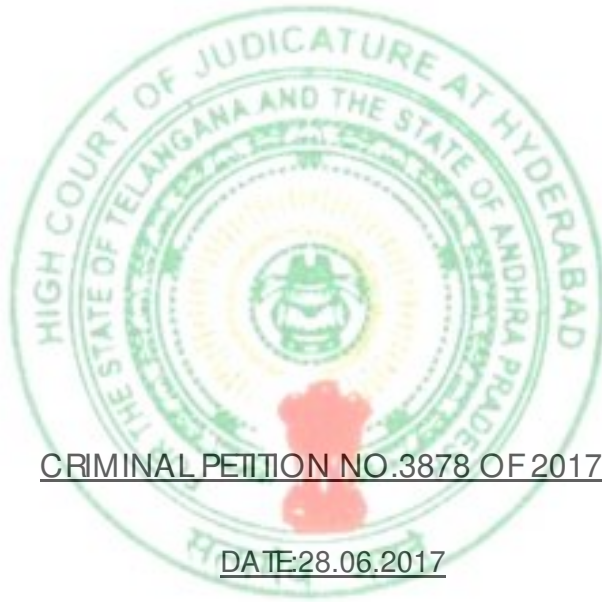
Considering that the accused has been in custody since 19.11.2016, the trial Court is instructed to consider framing of charges and conducting trial expeditiously.

DATE: 28-06-2017
ccm

U.DURGA PRASAD RAO, J



THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO



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