

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Criminal Petition Nos.2958 and 2973 of 2017

COMMON ORDER:

In CrI.P.No.2958 of 2017 A1 and A4 and in CrI.P.No.2973 of 2017 A2 and A3 seek for bail in Cr.No.128 of I Town (L&O) PS Rajamahendravaram, wherein the accused allegedly committed offence under Section 8 (c) r/w 20 (b)(ii)(c) of NDPS Act, 1985.

2) The prosecution case unfolds with the allegation that on 25.03.2017 the Sub-Inspector of Police, I Town (L&O) PS, Rajamahendravaram on receiving credible information about illegal transportation of ganja, obtained permission from DSP, Central Zone, Rajamahendravaram (Urban) for conducting raid and in pursuance thereof proceeded along with staff and Tahsildar, Rajahmundry (U) to Sai Vaibhav Lodge, Town Hall Road, Rajamahendravaram and found A1 to A4 along with two travelling bags and one luggage bag, surrounded them and caught hold them and recorded their confessional statements and searched the bags in the presence of independent Gazetted Officer and found 32 Kgs. of ganja. The accused stated that they belonged to New Delhi and came to Rajamahendravaram and procured 32 Kgs. of ganja from an unknown person at open place besides Reliance Digital, Railway Station, Road, Rajamahendravaram. Hence the crime.

3) Bail is pleaded mainly on the submission that accused are innocent and they belonged to New Delhi and they came to Andhra Pradesh in search of their livelihood and they were falsely implicated. It is further argued that nothing was found with A4 which manifests that he is innocent. It is also argued there was gross violation of procedure contemplated under Section 50 of NDPS Act as notice under Section 50 was issued in Telugu which is an alien language to the petitioners and the mediators' report and confessional statements were also recorded in Telugu and therefore search and seizure were vitiated.

4) Opposing the bail, while admitting that petitioners belonging to Delhi and they do not know Telugu, learned Addl. Public Prosecutor would submit that police interrogation was translated and explained to them in Hindi by a Police Constable and this fact was also mentioned in mediators' report and therefore, petitioners' contention that they do not know the contents of mediators' report and notice issued under Section 50 of NDPS Act is false. He would submit commercial quantity of ganja was found with the petitioners and police are investigating about the possibility of involvement of some others. He thus prayed to dismiss the petitions.

5) As can be seen from the mediators' report, the interrogation made by the raiding officer was translated to the petitioners in Hindi by PC-1231 viz. Shaik Kareem Pasha who knew Hindi and this fact was also mentioned in mediators' report. Thus, as rightly contended by the learned Addl.P.P., all the proceedings were well explained to the

accused and they cannot plead ignorance. Jurimetrics of the record show commercial quantity of ganja was seized from the possession of the petitioners who belonged to a different state. All the accused were present at the time of search and seizure of contraband. There is strong *prima facie* case against the accused. Investigation is reported to be pending. Hence, at this stage bail cannot be granted to them.

6) Accordingly, bail petitions are dismissed.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Date: 21.06.2017
Murthy

U. DURGA PRASAD RAO, J

