

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7331 of 2017

ORDER:

This criminal petition is filed, by the petitioners-accused Nos.4 and 5, under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.35 of 2017 of Rajanagaram Police Station, Rajamahendravaram, registered for the offences punishable under Section 8(c) read with 20(b)(ii) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor representing the State.

3. The case of the prosecution is that on 24.02.2017, the Inspector of Police, Rajanagaram circle on receiving credible information about illegal transportation of ganja, conducted vehicle checking and seized 74 bags each containing 70 kgs., in total 1258 kgs., of ganja from the possession of the petitioners and other accused. A perusal of the record reveals that the second petitioner/Accused No.5 filed CrI.P.No.3751 of 2017 under Sections 437 and 439 Cr.P.C. and the same was dismissed by this Court on 05.06.2017. The first petitioner/Accused No.4 filed CrI.P.No.3750 of 2017 and this Court granted interim bail for a period of two weeks.

4. As per the principle enunciated by the Hon'ble apex Court in **State of M.P. v. Kajad¹, Collector of Customs v.**

¹ (2001) 7 SCC 673

Ahmadalieva Nodira² and Union of India v Sanjeev v.

Deshpande³, the court can grant bail to the persons involved in the cases registered under the NDPS Act, even though the contraband seized is a commercial quantity, if the court satisfies that there are reasonable grounds for believing that the accused is not guilty of the alleged offence and even if he is released on bail, he will not involve in similar type of offences.

5. A perusal of the charge sheet *prima facie* reveals the role of the petitioners in the commission of the alleged offence.

6. Taking into consideration the facts and circumstances of the case and also in view of the principle enunciated in the cases cited supra, this Court is of the considered view that it is not a fit case to grant bail to the petitioners.

7. In the result, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

31st August, 2017

Rns

² (2004) 3 SCC 549

³ (2014) 13 SCC 1