

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION NO. 3491 OF 2017

DATE : 05.06.2017

Between:

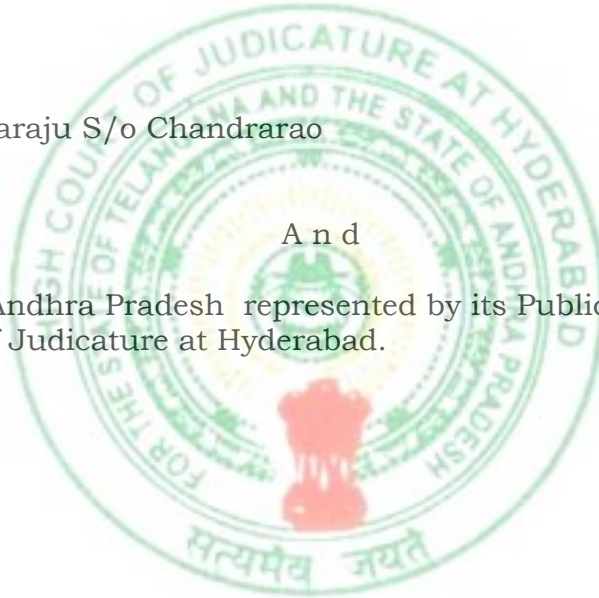
Kimudi Gangaraju S/o Chandrarao

....Petitioner

A n d

The State of Andhra Pradesh represented by its Public Prosecutor,
High Court of Judicature at Hyderabad.

....Respondent



THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**CRIMINAL PETITION No.3491 of 2017****ORDER:**

This petition is filed under Sections 437 & 439 Cr.P.C. seeking bail. Petitioner/A4 and other accused are alleged to have committed offences under Section 8 (c) read with 20 (d) (ii) © of NDPS Act, against whom FIR No. 1 of 2017 was registered in Mothugudem Police Station, East Godavari District.

2. The case of prosecution in brief is that on 10.1.2017, the Inspector of Police, Chinttor Circle, on credible information about transportation of Ganja, obtained proceedings from SDPO to conduct raid and secured mediators and Mandal Executive Magistrate and reached the spot i.e., Lakkavaram Junction, Chinttor Mandal, at about 2.00 PM and started checking the vehicles. At that time, it is alleged, one Tata Indica Car bearing No. AP 9 BC 2169 came from Maredumilli side in which three persons i.e., A3, A4 and A6 were there and on seeing the police, when they tried to abscond the police caught them. At the same time, one lorry bearing No. AP 12 V 2851 also came behind the car there and on seeing the police, when the driver of the lorry (A5) tried to abscond the police detained him and on interrogation, he confessed that A3, A4 and A6, who

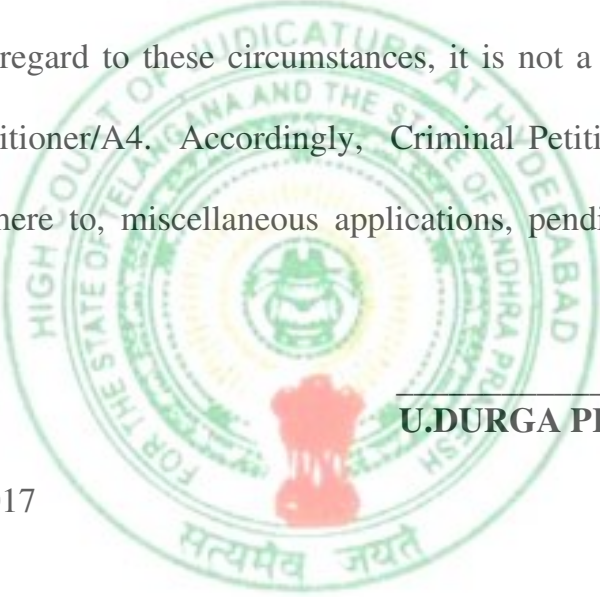
were traveling in the car secured ganja weighing about 420 Kgs and transporting the same in the lorry (19 plastic bags of ganja in the lorry and two plastic bags of ganja in the car). Upon such revelation, the police seized the contra band in the presence of Mediators and Mandal Executive Magistrate and arrested the accused. The accused have been in custody since 11.1.2017. The investigation is reported to be pending.

3. Denying the allegations, learned counsel for petitioner/A4 would submit that except the alleged confessional statement of the lorry driver (A5), there is nothing on record to connect the lorry which allegedly carried the contraband ganja with the car. He would submit that the petitioner/A4 is innocent and investigation is almost completed as per his information and the accused is in judicial custody since 11.1.2017 and therefore, bail may be granted to him.

4. Severely opposing the bail application, learned Public Prosecutor would submit that remand case diary report dated 10.1.2017 is clear to the effect that upon confessional statement of the lorry driver (A5), the police have seized 19 bags of contraband ganja from the lorry and two bags of ganja from the dickey of the car, wherein the petitioner/A4, A3 and A6 were traveling, and therefore, it cannot be said that the petitioner/A4 had nothing to do with the seized ganja. He submitted that the investigation is still in progress and charge sheet is not filed.

5. A perusal of the CD file reveals that the police in the presence of Thasildar, Chinttor, upon checking both vehicles found two plastic gunny bags of ganja in the car dickey where the petitioner/A4 was traveling and they also found 19 plastic gunny bags of ganja in the lorry, and seized them. In that view of the matter, there is *prima facie* material for accusation against the petitioner/A4. The investigation is reported to be pending and the contraband seized is of commercial quantity.

6. Having regard to these circumstances, it is not a fit case to grant bail to the petitioner/A4. Accordingly, Criminal Petition is dismissed. As a sequel there to, miscellaneous applications, pending if any, shall stand closed.



U.DURGA PRASAD RAO, J

Date: 05.06.2017
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