

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION NO.3616 OF 2017

ORDER:

Petitioner/A1, who is alleged to have committed the offence punishable under Section 8 (c) r/w 20 (b) (II) (C) of N.D.P.S. Act, filed this petition under Sections 437 and 439 Cr.P.C. seeking bail.

2. The brief facts are that on 02-03-2017 at about 9.00 A.M., near Gorlagudem village, Kunavaram road T junction, Chinturu Mandal, the Circle Inspector of Police along with mediators intercepted the vehicle bearing No. OR-02-BB-9977, which was coming from Chinturu side. The petitioner, who is A1 in the vehicle was interrogated and it came to knowledge that he was transporting 100 to 120 Kgs of Ganja with the help of private travellers and he has been in that business. The police arrested him and the investigation is pending.

3. Learned counsel appearing for the petitioner submits that the petitioner was not transporting the Ganja and he has not committed any offence and he was falsely implicated in this case and further there was violation of Section 50 of NDPS Act.

4. Learned Public Prosecutor by filing a copy of notice served on the petitioner/A1 under Section 50 of NDPS Act would submit that the raid party in fact has taken along with them an independent Gazetted Officer and asked the petitioner/A1 whether he wanted to be inspected through the said Gazetted Officer or another Gazetted Officer and petitioner did not choose any independent Gazetted Officer and thus there was no violation of provisions of the 50 of the NDPS Act. Learned Public Prosecutor further submits that the other accused to whom the contraband was transported and handed over are at large and the investigation is still pending.

5. In view of above submission of Addl. Public Prosecutor and having regard to the gravity of charge and investigation being pending, this Court finds no merits to grant bail at this stage.

6. Accordingly, the Criminal Petition is dismissed.

U.DURGA PRASAD RAO, J

DATED: 01-06-2017.

Hsd

