

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9693 of 2017

ORDER:

1 This criminal petition is filed, by the petitioners/accused No.4 under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.621 of 2017 on the file of the Station House Officer, Mothugudem Police Station, East Godavari district registered for the offences punishable under Sections 8 (c) r/w 20 (b) (ii) (c) of NDPS Act.

2 The learned counsel for the petitioner submitted that nothing was seized from the possession of the petitioner. She further submitted that the police investigated into the matter and filed charge sheet, therefore, this is a fit case to grant bail to the petitioner.

3 *Per contra*, the learned Additional Public Prosecutor submitted that the petitioners are not entitled to bail in view of Section 37 of the NDPS Act. He further submitted that this Court dismissed the bail application filed by the accused No.3 on 01.09.2017 vide CrI.P.No.7487 of 2017.

4 The case of the prosecution is that on 14.04.2017 the Inspector of Police, Chintoor Police Station, on receiving reliable information about transportation of ganja, along with his staff and mediators proceeded to Y.Junction of Lakkavaram and while checking the vehicles, he intercepted a car bearing No.TS 04 EJ 8286 in which the petitioner and other accused were travelling. The Inspector of Police seized 60 kgs of ganja from the said car.

After completion of necessary formalities, the Inspector of Police laid charge sheet before the concerned court.

5 The petitioner filed CrI.M.P.No.621 of 2017 on the file of the Court of the I Additional District & Sessions Judge, Rajamahendravaram, under Section 439 Cr.P.C. and the same was dismissed on 28.04.2017.

6 A perusal of the record reveals that the Inspector of Police seized 60 Kgs of ganja from the possession of the petitioner and other accused. A perusal of the record further reveals that the petitioner and others were transporting ganja from East Godavari District to other districts.

7 As per the principle enunciated by the Hon'ble apex Court in ***State of M.P. v. Kajad***¹, ***Collector of Customs v. Ahmadalieva Nodira***² and ***Union of India v Sanjeev v. Deshpande***³, 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.

8 A perusal of the record prima facie reveals the role of the petitioner in commission of the offence. The ganaja seized from the

¹ (2001) 7 SCC 673

² (2004) 3 SCC 549

³ (2014) 13 SCC 1

possession of the petitioner and other accused is 60 kgs, which is commercial quantity. Taking into consideration the gravity of the offence alleged to have been committed by the petitioner and the principle enunciated in the cases cited supra, this court is of the considered view that this is not a fit case to grant anticipatory bail to the petitioner.

9 In the result, the petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 27th October, 2017

Kvsn

