

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8682 of 2017

ORDER:

This petition is filed, by the petitioners-accused Nos.6 and 7, under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.65 of 2017 on the file of the Station House Officer, Nirmal Rural Police Station, Nirmal District, registered for the offence punishable under Section 20(a)(b)(i) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The learned counsel for the petitioners submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, the ganja allegedly seized from the possession of the petitioners is not a commercial quantity. He further submitted that the entire investigation is completed; therefore it is a fit case to grant bail to the petitioners.

3. The learned Additional Public Prosecutor submitted that in this case, in all 34 kgs. of ganja was seized from the possession of accused Nos.1 to 7; therefore, it is not a fit case to grant bail to the petitioners, at this stage, in view of pendency of investigation.

4. The case of the prosecution is that on 26.07.2017 at about 03:30 hours, the Circle Inspector of Police, Nirmal Rural Police Station, on receiving reliable information about illegal transportation of ganja, proceeded to Y.S.R. Nagar, Nirmal, and apprehended accused Nos.1 and 2 and seized 2 kgs. of ganja each from their possession. In pursuance of the information given by accused Nos.1 and 2, the Inspector of Police apprehended the petitioners and seized 11 kgs. of ganja from their possession. The

Inspector of Police seized in all 34 kgs. of ganja from the possession of accused Nos.1 to 7. It is the further case of the prosecution that the petitioners herein used to purchase the ganja from the persons belong to Maharashtra and sell the same to accused No.5. After completion of the necessary formalities, the Inspector of Police, Nirmal Rural Police Station, registered the above case.

5. The petitioners filed CrI.M.P.No.726 of 2017 on the file of the Court of the Special Judge for NDPs Act-cum-I Additional Sessions Judge, Adilabad, and the same was dismissed on 16.08.2017 on the ground that if the petitioners are released on bail, they may threaten the witnesses.

6. A perusal of the record *prima facie* reveals the role played by the petitioners in the commission of the offence. The record further reveals that the investigation is in progress. As rightly pointed out by the learned Additional Public Prosecutor, if the petitioners are released on bail, the possibility of threatening the witnesses cannot be ruled out completely.

7. Taking into consideration the gravity of the offence alleged to have been committed by the petitioners as well as the stage of investigation, this Court is of the considered view that it is not a fit case to grant bail to the petitioners.

8. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 21.09.2017
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