

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.2690 OF 2017

ORDER:

This is the successive bail application filed by the petitioner/A3 seeking bail in crime No.10 of 2016 in which he and other accused allegedly committed offence under Section 8(c) read with 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'). His earlier bail application in CrI.P.No.16425 of 2016 was dismissed by this Court on 15.12.2016.

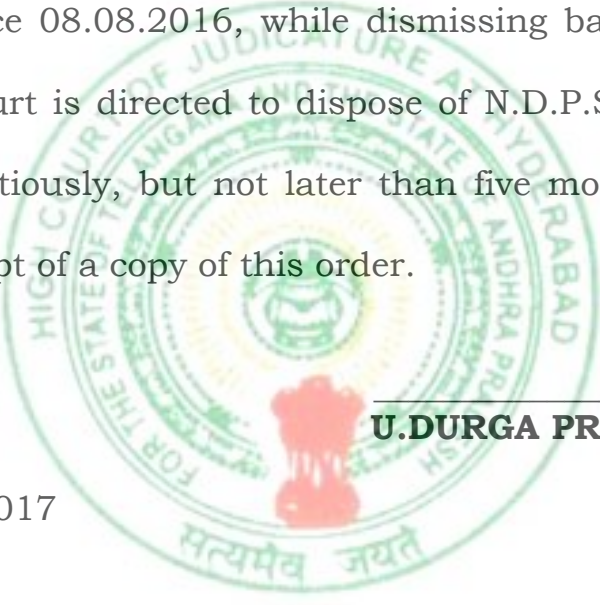
It is alleged, commercial quantity of ganja was seized from the possession of petitioner/A3 and A4.

Citing the filing of charge-sheet subsequent to dismissal of above criminal petition and also pointing out the violation of the provisions under Section 42 of NDPS Act, learned counsel for the petitioner sought for bail.

Learned Additional Public Prosecutor admitted that charge-sheet is filed and the case is registered as N.D.P.S.S.C.No.15 of 2017 on the file of I Additional District and Sessions Judge, East Godavari District at Rajamahendravaram but however opposed the bail.

In view of filing of charge-sheet, *prima facie*, it cannot be presumed in terms of Section 37 that the petitioner had not committed the offence to consider his bail application.

Since the charge-sheet is filed and the matter is coming up for framing of charges and as commercial quantity of ganja was seized from the possession of petitioner and other accused, it is not a fit case to grant bail. However, considering the submission of learned counsel for the petitioner that the petitioner/A3 has been languishing in custody since 08.08.2016, while dismissing bail application, the trial Court is directed to dispose of N.D.P.S.S.C.No.15 of 2017 expeditiously, but not later than five months from the date of receipt of a copy of this order.



U.DURGA PRASAD RAO, J

12th June, 2017
ssp