

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7718 of 2017

ORDER:

1 This criminal petition is filed, by the petitioners/accused Nos.1 and 2 under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.85 of 2017 on the file of the Station House Officer, Prohibition & Excise Station, registered for the offences punishable under Sections 8 (c) r/w 20 (b) (ii) (c) of NDPS Act.

2 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor representing the State.

3 The case of the prosecution is that on receiving reliable information, on 02.07.2017 at about 4.00 PM the Prohibition & Excise officials went to Vijayawada railway station to conduct search of vehicles and found two persons carrying huge bags on their shoulders. On suspicion the Excise officials stopped those two persons, who disclosed their identity as petitioner Nos.1 and 2 herein. The Excise officials seized 18 kgs and 10 kgs of ganga from the possession the petitioner Nos.1 and 2 respectively. After following the due procedure, the Excise officials drew samples and produced the petitioners before the concerned Court for judicial custody.

4 The petitioners filed CrI.M.P.No.6295 of 2017 under Section 437 and 439 Cr.P.C. and the same was dismissed on 03.08.2017. A perusal of the record *prima facie* reveals that investigation is still in progress.

5 As per the principle enunciated by the Hon'ble apex Court in ***State of M.P. v. Kajad¹, Collector of Customs v. Ahmadalieva Nodira²*** and ***Union of India v Sanjeev v. Deshpande³***, 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.

6 A perusal of the record prima facie reveals the role of the petitioners in commission of the alleged offence. Taking into consideration the gravity of the offence alleged to have been committed by the petitioners, this court is of the considered view that this is not a fit case to grant anticipatory bail to the petitioners.

7 In the result, the petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 4th September, 2017

Kvsn

¹ (2001) 7 SCC 673

² (2004) 3 SCC 549

³ (2014) 13 SCC 1