

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION NO.6283 OF 2017

ORDER:

Petitioners, who are A3 and A4 in Cr.No.201 of 2016 on the file of Station House Officer, Tuni Rural Police Station, East Godavari District, registered for the offence punishable under Section 8 (C) r/w 20 (b) (ii)(C) of NDPS Act, filed this petition under Sections 437 and 439 Cr.P.C. seeking regular bail.

2. Learned counsel for the petitioners strenuously submitted that the petitioners were falsely implicated in this case. He further submitted that the petitioners have nothing to do with Maruthi Eecho Car bearing registration No.AP 31DE 5803; therefore, it is a fit case to allow the petition.

3. Learned Additional Public Prosecutor for the State of Andhra Pradesh submitted that the allegations made in the charge sheet *prima facie* reveals the involvement of the petitioners in the alleged offence. He further submitted that if the petitioners are released on bail, the possibility of committing the similar type of offences cannot be ruled out.

4. As per the allegations made in the charge sheet, on 31-01-2016, A1 and A2 purchased 40 Kgs of ganja from unknown person. It is further alleged that A1 and A2 engaged Maruthi Eecho Car bearing registration No.AP 31DE 5803 for transporting ganja from Rollugunta to Rajahmundry with the help of A3 and A4. The petitioners herein willfully and intentionally transporting ganja of A1 and A2 by taking money from them. As per the allegations made in the charge sheet, the petitioners involved in the commission of offence. The petitioners herein moved bail application in CrI.M.P.No.400 of 2017 before the I Addl.

District and Sessions Judge, East Godavari at Rajamahendravaram. The learned I Addl. District and Sessions Judge, after affording reasonable opportunity to both parties, dismissed the petition in view of embargo under Section 37 of the NDPS Act. A perusal of the record reveals that petitioners are transporting 40 kgs of ganja, which is a commercial quantity. The material available on record, *prima facie* reveals the involvement of the petitioners in the commission of offence. Taking into consideration the gravity of the offence alleged to have been committed by the petitioners, this Court is of considered view that it is not a fit case to grant bail to the petitioners. However, the trial Court is hereby directed to dispose of the matter as expeditiously as possible.

5. With the above direction, the Criminal Petition is dismissed. Miscellaneous petitions, if any pending, in this Petition shall stand closed.

DATED: 31-07-2017.
Hsd

T.SUNIL CHOWDARY, J