

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.2677 of 2017

ORDER:

This Criminal Petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), is filed to enlarge the petitioners/ A.7 in the event of his arrest since he is apprehending arrest in connection with Crime No.506 of 2016 on the file of Police Station, Rayachoty U/G, YSR Kadapa District, registered for the offence punishable under Section 20 (b) (c) of NDPS Act.

The case of the prosecution is based on the confessional statement that the petitioner was supplying Ganja to other accused and he was found in possession of 1.250 grams, which is not a commercial quantity and thereby Section 438 Cr.P.C. has no application.

But, the offence allegedly committed by the petitioner is bailable in nature as the punishment for the offence under Section 20 (b) (c) of NDPS Act is six months or fine, which may extend to 10,000/- or both. Hence, Section 438 Cr.P.C. has no application to the instant case since the offence is bailable and therefore, this Criminal Petition is liable to be dismissed.

Accordingly, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this criminal petition, shall stand closed.

M. SATYANARAYANA MURTHY, J

Date:6.04.2017
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Dt.06-04-2017

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