

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.8533 of 2017

ORDER:

1 This criminal petition is filed, by the petitioners/accused Nos.7 to 9 under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.144 of 2017 on the file of the Station House Officer, Kavali I Town Police Station registered for the offences punishable under Sections 3 and 4 of the A.P. Gaming Act and Sections 20 (B) (ii) (c) r/w Section 8 (c) of the NDPS Act.

2 Sri Vedula Venkata Ramana, the learned senior counsel appearing for the petitioners submitted that the investigating agency foisted a false case against the petitioners. He further submitted that even if the allegations made in the complaint are ex facie taken to be true and correct, no prima facie case is made out against the petitioners for the offences punishable under Sections 20 (B) (ii) (c) r/w Section 8 (c) of the NDPS Act as ganja was not seized from the possession of the petitioners. He further submitted that major portion of investigation has been completed, therefore, it is a fit case to grant bail to the petitioners.

3 *Per contra*, the learned Additional Public Prosecutor submitted that the petitioners herein along with others were carrying on cricket betting and ganja business. He further submitted that the investigation is still in progress, therefore, this is not a fit case to grant bail to the petitioners.

4 The case of the prosecution is that on 02.08.2017 at about 7.30 PM, on receiving reliable information about cricket betting, the Inspector of Police, I Town Police Station, Kavali along with his staff

proceeded to house bearing D.No.8-18-19A at Kalugolammmapeta, Kavali Town. The Inspector of Police caught hold of accused Nos.1 to 4 and seized two cars, 8.5 lakhs of cash, cell phones, laptop and communicators. It is the further case of the prosecution that the petitioners herein along with accused Nos.1 to 4 were conducting cricket betting in Nellore district and some other places also. After completion of necessary formalities, the investigating officer registered the above case.

5 A perusal of the record prima facie reveals that the police seized laptop, communicators, cell phones and cash from the possession of the other accused. A perusal of the record reveals that the petitioners along with the accused Nos.1 to 4 were carrying on cricket betting. A perusal of the record further reveals that nearly 21 kgs of ganja was seized from the possession of the accused Nos.1 to 4. A perusal of the record reveals that the petitioners herein are accused in Cr.No.185 of 2017 on the file of the IV Town Police Station Nellore for the offences punishable under Sections 3 and 4 of A.P Gaming Act and Sections 20 (B) (ii) (c) r/w section 8 (c) of NDPS Act. A perusal of the record reveals that investigation is still in progress.

6 Taking into consideration the gravity of the offence alleged to have been committed by the petitioners and the stage of investigation, this Court is not inclined to grant bail to the petitioners.

7 In the result, the petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 19th September, 2017
Kvsn