

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7487 of 2017

ORDER:

This criminal petition is filed by the petitioner-accused, under Sections 437 and 439 Cr.P.C., seeking regular bail in Crime No.14 of 2017 on the file of the Station House Officer, Mothugudem Police Station, East Godavari District, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act (for short 'the Act').

2. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case. ***Per contra***, the learned Additional Public Prosecutor representing the State submitted that the petitioner is not entitled for bail in view of Section 37 of the Act.

3. The case of the prosecution is that on 14.04.2017 the Inspector of Police, Chintoor circle along with staff and the mediators intercepted the vehicle bearing No.TS-04-EJ-8286 and seized three bags of ganja weighing 60 kgs. A perusal of the record reveals that the petitioner filed CrI.P.No.4017 of 2017 before this Court and the same was dismissed on 19.06.2017. Again the petitioner filed CrI.P.No.6746 of 2017 and the same was also dismissed on 09.08.2017.

4. The learned Additional Public Prosecutor submitted that the police investigated into the matter and filed charge sheet on 06.08.2017.

5. As per the principle enunciated by the Hon'ble apex Court in **State of M.P. v. Kajad**¹, **Collector of Customs v. Ahmadalieva Nodira**² and **Union of India v Sanjeev v. Deshpande**³, the court can grant bail to the persons involved in the cases registered under the NDPS Act, 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 charge sheet *prima facie* reveals the role played by the petitioner in the commission of offence.

7. Taking into consideration the facts and circumstances of the case and also the principle enunciated in the cases cited supra, I am of the considered view that it is not a fit case to grant bail to the petitioner-accused No.3.

8. In the result, the criminal petition is dismissed.

T.SUNIL CHOWDARY, J

01st September, 2017

Rns

¹ (2001) 7 SCC 673

² (2004) 3 SCC 549

³ (2014) 13 SCC 1

