

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7088 of 2017

ORDER:

This criminal petition is filed, by the petitioners-accused Nos.1 to 3, under Sections 437 and 439 Cr.P.C., seeking bail in COR No.59 of 2017 on the file of the Station House Officer, Prohibition and Excise Station, Kazipet, registered for the offences punishable under Sections 8(c) read with 20(b) of Narcotic Drugs and Psychotropic Substances Act.

2. The learned counsel for the petitioners submitted that the ganja alleged to have been seized from the possession of the petitioners is only 12 kgs, which is less than commercial quantity. He further submitted that almost all the material witnesses were examined; therefore, even if the petitioners are released on bail, there is no chance to tamper the prosecution witnesses. **Per contra**, learned Additional Public Prosecutor representing the State submitted that the investigation is in progress. If the petitioners are released on bail, there is every possibility to tamper the prosecution witnesses, therefore, it is not a fit case to grant bail to the petitioners.

3. The case of the prosecution, in brief, is that on 24.07.2017 at about 7.30 p.m., on receiving reliable information, the Prohibition and Excise Inspector, Kazipet, visited the bus station near Kazipet Railway Station and apprehended three persons, who in turn disclosed their identity as accused Nos.1 to 3. The Excise Officials seized 12 kgs of dry ganja from the possession of the accused under the cover of panchanama. After following due

procedure, the accused were produced before the Special Judicial Magistrate of First Class, Prohibition & Excise Cases at Warangal for judicial custody. The petitioners filed CrI.M.P.No.491 of 2017 on the file of the Special Sessions Judge for NDPS Cases – cum – I Additional Sessions Judge, Warangal, and the same was dismissed on 03.08.2017.

4. A perusal of the record *prima facie* reveals that the excise officials seized 12 kgs., of ganja from the possession of the petitioners and the investigation is in progress. The learned Special Sessions Judge for NDPS Cases cum I Additional Sessions Judge, Warangal, dismissed the petition on the sole ground that the investigation is in progress. As rightly pointed out by the learned Addl. Public Prosecutor, if the petitioners are released on bail at this stage, the possibility of tampering the prosecution witnesses cannot be ruled out completely.

5. Taking into consideration the gravity of the offence alleged to have been committed by the petitioners as well as the stage of investigation, this Court is of the considered view that it is not a fit case to grant bail to the petitioners.

6. In the result, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

17th August, 2017
Rns