

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1613 of 2017

ORDER:

The petitioner, who is accused No.1, filed the present application under Sections 437 and 439 of the Code of the Criminal Procedure (Cr.P.C.), seeking enlargement on bail in NDPS SC No.39 of 2017 on the file of I Additional Sessions Judge, East Godavari at Rajahmundry, for the offences punishable under Section 8(c) r/w.20 (b)(ii) & (C) of NDPS Act.

The case of the prosecution is that on 17.08.2016, on receipt of credible information about illegal transportation of ganja, the Prohibition & Excise Inspector, Rampachodavaram, along with his staff and mediators proceeded to Rampachodavaram Village and conducted vehicle check at forest check post. At that time, they noticed one Ashok Leyland tipper lorry bearing No.AP29-U-0353. On verification of the lorry, 310 bundles covered with paper containing ganja weighing about 706.7 kgs. was found. Thereafter, samples were lifted and contraband was seized as per the procedure prescribed under NDPS Act. Basing on these allegations, a case in crime No.71/2016-17 was registered and after completion of entire investigation, a charge sheet came to be filed against A.1 to A.4 which came to be numbered as NDPS SC No.39 of 2017.

Heard, learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent-State.

Learned counsel for the petitioner submits that even accepting the allegations made against the petitioner to be true, no offence is made out against the petitioner. It is urged that the investigating agency failed to comply with the mandatory provision of Section 50 of the NDPS Act. Hence, pleaded that the request of the petitioner may be considered. The same is opposed by the learned Additional Public Prosecutor.

A perusal of the record reveals that earlier the petitioner filed Crl.P.No.340 of 2017 raising the same grounds as raised in this petition. However, this Court vide order dated 31.01.2017 negatived the request of the petitioner. Apart from that, it is to be noted that the quantity of ganja seized from the petitioner is 706.7 kgs., which is a commercial quantity. Having regard to the same, I am not inclined to grant bail to the petitioner. However, as the petitioner is in jail since 18.08.2016, the trial Court is directed to spilt up the case against this petitioner and conclude trial, as early as possible, preferably within a period of three to six months from the date of receipt of a copy of this order.

Accordingly, this Criminal Petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

06.03.2017
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