

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CRIMINAL PETITION No.5410 of 2017

ORDER:

A request is made for grant of regular bail under Sections 437 and 439 of the Code of Criminal Procedure, 1973 by A.3 in Cr.No.90 of 2017 of Chillakallu Police Station, Krishna District, who is facing the offence punishable under Section 8(c) read with 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 along, with others.

2. Heard Sri A.Hariparasad Reddy, learned counsel for the petitioner and the learned Additional Public Prosecutor for the State of Andhra Pradesh.

3. Learned counsel for the petitioner would submit that the petitioner is totally innocent and is falsely implicated. In fact, he is a resident of Nasik, Maharashtra and running lottery shop and, on 14.05.2017 at 8.00 p.m., when some unknown persons abducted him, his brother, Mr.Sayed lodged a report with the Station House Officer, Nasik Road Police Station on 15.05.2017 and even FIR was registered in Cr.No.163 of 2017 for the offences punishable under Sections 365, 143, 149 and 323 IPC in that connection. It is the submission of the learned counsel that, surprisingly, Chillakallu Police, stated that they arrested the petitioner at Vijayawada Railway Station at about 5.00 p.m., on 17.05.2017, projecting his alleged involvement in the present crime. The main submission of the learned counsel for the petitioner is that nowhere in the FIR nor in the confessional statement made by the driver of the Eicher van, it is stated that the petitioner was found in possession of the contraband and, therefore, sought to enlarge the petitioner on bail, also adding that the petitioner was arrested on 17.05.2017 and sent

for judicial remand and has been in jail since then and the attempt made by the petitioner to obtain bail before the I Additional Sessions Judge, Krishna, in Crl.M.P.No.401 of 2017 was negatived by order dated 14.06.2017. Thus, it is his submission that the entire record placed before the Court does not reveal complicity of the petitioner in the commission of the offence alleged against him.

4. Learned Additional Public Prosecutor, inter alia, while resisting the request of the petitioner for grant of bail, would submit that there is concrete material on record to show the involvement of the petitioner in the present crime and the petitioner is, therefore, not entitled to bail. He mainly places reliance on the confessional statement said to have been made by the petitioner at 3.00 p.m., on 17.05.2017. He has drawn attention of this Court, by reading relevant portions in the confessional statement of the petitioner. Evidentiary value of such confessional statement said to have been made by the petitioner can, of course, be examined during trial. However, one thing is certain. From the confessional statement, the petitioner's involvement is clearly finding place. It is to the effect that, only to make easy money, he intended to involve himself in *ganja* business and thus while running lottery business he came into contact with various persons, who have been resorting to purchase and sale of *ganja* and then engaged A.1 and the co-driver to drive Eicher van loaded with *ganja* and specially making alteration to the Eicher van to conceal the contraband from detection by the Police or the Excise officials. It is not necessary to record every aspect which is spoken to by the petitioner in his confessional statement. Suffice it to say that there is *prima facie* material against the petitioner as to his involvement in the

present crime since the *ganja* found and seized by the Police is to the tune of 520 Kgs., contained in 250 packets, worth Rs.10,40,000/-, which is commercial quantity. Therefore, it is a case where petitioner disentitles for grant of regular bail.

Accordingly, the petition is dismissed.

A. SHANKAR NARAYANA, J

July 11, 2017
MRR

