

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7469 of 2017

ORDER:

This Criminal Petition is filed, by the petitioners-accused Nos.2 and 3, under Sections 437 and 439 Cr.P.C., seeking bail in Crime No.37 of 2017 on the file of the Station House Officer, Maredumilli Police Station, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The learned counsel for the petitioners submitted that the trial Court dismissed the petition without taking into consideration the quantity of ganja alleged to have been seized from the possession of petitioners and dismissed the petition. He further submitted that investigation is almost completed.

3. *Per contra*, the learned Additional Public Prosecutor submitted that petitioner No.1/A.2 involved in similar type of cases and the investigation is in progress.

4. It is the case of the prosecution that on 09.06.2017 at about 8:30 AM on receiving credible information about the illegal transportation of ganja, the Inspector of Police, Maredumilli Circle, along with his staff and mediators, proceeded to outskirts of Kuduru Village in order to check the vehicles. In that process, the Inspector of Police found five persons with bags. On seeing the police, two persons ran away from the spot and other three persons were apprehended by the police. During the course of interrogation, those three persons disclosed their identity as accused No.1 and the petitioners/A.2 and A.3. The Inspector of

Police seized 18 kgs. of ganja from the possession of the petitioners and accused No.1. After following the due procedure, the Inspector of Police, Maredumilli, registered the above case against the petitioners and accused No.1 on the same day. On 09.06.2017 the petitioners were produced before the Judicial First Class Magistrate, Rampachodavaram, and remanded to judicial custody.

5. A perusal of the record reveals that the petitioners along with accused No.1 filed CrI.M.P.No.1173 of 2017 on the file of the Court of the I Additional District and Sessions Judge, East Godavari at Rajamahendravaram under Section 439 Cr.P.C. and the same was dismissed on 25.07.2017. The record further reveals that petitioner No.1/A.2 involved in similar type of cases. The record also reveals that the investigation is in progress and if the petitioners are released on bail at this stage, the possibility of tampering with the prosecution witnesses cannot be ruled out.

6. Taking into consideration the nature 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.

7. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

Date: 29.08.2017
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