

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.3698 of 2017

ORDER:

This petition is filed by the Petitioners/A4 and A5 under Sections 437 and 439 of Cr.P.C. seeking bail in Crime No.32 of 2017 of Chinturu Police Station, East Godavari District wherein they allegedly committed offences under Section 8 (c) read with 20 (b) (ii) (c) of NDPS Act.

Brief facts of the prosecution case are that on 30-3-2017, at Sabhari Bridge West Side, when Chinturu Police were conducting vehicle check, a lorry bearing No. AP-05-TV-7343 was proceeding from Lakkavaram towards Bhadrachalam side. Police stopped the lorry and found driver and four others persons (A.1 to A.3 and A.6 and A.7) and on checking the lorry, they found two Ganja bags containing 50 kgs of Ganja. After completing the formalities, police arrested them. In the meanwhile, one car bearing No.MH-28-AN-1276 came behind the lorry. The police stopped the said car wherein A.4 and A.5 were present. The confessional statement of A.1 revealed that A.2 was the father of A.4, and A.5 was their relation and they purchased the contraband and transporting the same in the lorry. Hence, the case.

Investigation is reported to be pending.

Denying the allegations, learned counsel for the petitioners submitted that except the confession statement of A.1, there is no tangible material on record to connect A.4 and A.5 to the offence since the contraband was admittedly not in their car nor was it seized from them. Learned counsel would further submit that on apportionment of the contraband accused wise, it would come less than commercial quantity and hence on that ground also, they deserve bail.

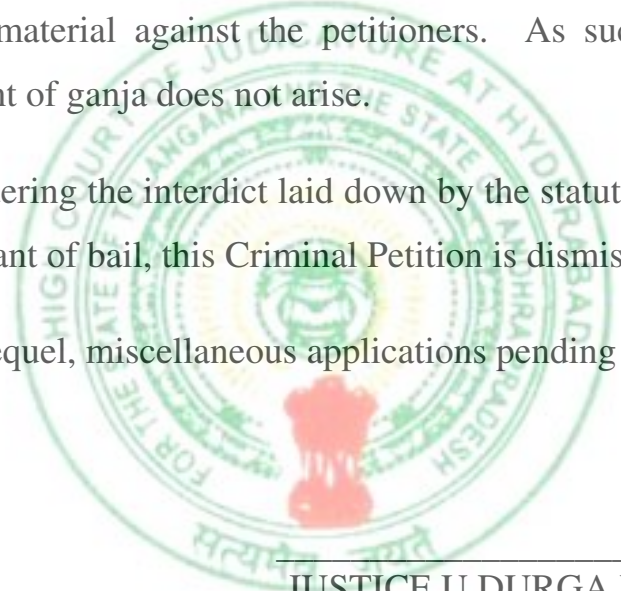
He also submitted that investigation was completed and charge sheet was filed and accused have been in custody since 30-3-2017.

Opposing bail, learned Additional Public Prosecutor would argue that car in which petitioners/A4 and A5 were traveling was, in fact, piloting the lorry and A.1 had in clear terms stated that A2, A4 and A5 were relations and at their instance, the other accused were transporting the ganja. He further submitted that since the ganja belonged to A2, A4 and A5 who were the purchasers, the question of apportionment does not arise.

A perusal of the mediators' report and the confession statement of A.1 and other accused would clearly show that the seized material was purchased by A.2, A.4 and their relation A.5 and they were transporting the same by lorry by piloting the same. As such, there is prima facie material against the petitioners. As such, question of apportionment of ganja does not arise.

Considering the interdict laid down by the statute under Section 37 against grant of bail, this Criminal Petition is dismissed.

As a sequel, miscellaneous applications pending if any, shall stand closed.



JUSTICE U.DURGA PRASAD RAO

Dated 7-6-2017.
Dvs

HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO



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