

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7182 of 2017

ORDER:

This Criminal Petition is filed, by the petitioners-accused Nos.1 and 2, under Sections 437 and 439 of Cr.P.C., seeking bail in C.O.R.No.151 of 2017 on the file of the Station House Officer, Mahabubabad Excise Station, registered for the offence punishable under Section 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The learned counsel for the petitioners submitted that the petitioners were falsely implicated by the investigating agency for statistical purpose. He further submitted that non-apprehension of accused No.3 is not a ground to reject the bail of the petitioners.

3. *Per contra*, the learned Additional Public Prosecutor submitted that the officials seized 106 kgs. of ganja from the petitioners and accused No.3. He further submitted that the investigation is in progress and if the petitioners are released on bail, it is difficult to apprehend accused No.3.

4. It is the case of the prosecution that on 01.05.2017 the officials received reliable information about transporting of ganja. The investigating officer secured presence of mediators and proceeded to the house bearing No.6-130/235, Sriram Bhadracharya Colony, Mahabubabad and served search memo. The concerned officials seized 106 kgs. of ganja from the house of the petitioners. The investigating officer draw the samples as per procedure and produced the petitioners before the Judicial First Class Magistrate, Mahabubabad, for judicial custody.

5. The petitioners filed CrI.M.P.No.298 of 2017 on the file of the Court of the Special Sessions Judge for N.D.P.S. Cases (I-Additional Sessions Judge), Warangal, seeking regular bail and the same was dismissed on 22.05.2017. The petitioners filed Criminal Petition No.4587 of 2017 on the file of this Court and the same was dismissed on 18.07.2017. A perusal of the record reveals that the investigation is in progress. There are no changed circumstances from the date of dismissal of the previous petition till the date of filing of the present petition.

6. Taking into consideration the gravity of the offence alleged to have been committed by the petitioners, 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.

Date: 18.08.2017
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T.SUNIL CHOWDARY, J