

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.9743 of 2017

ORDER:

This criminal petition is filed by the sole accused, under Sections 437 and 439 of Cr.P.C., seeking bail in Crime No.261 of 2017 on the file of the Station House Officer, Hanamkonda Police Station, Warangal District, registered for the offences punishable under Section 8(c) read with 20 of the Narcotic Drugs and Psychotropic Substances Act.

2. The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case. He further submitted that even if the allegations made in the complaint are *ex facie* taken to be true and correct, no *prima facie* case is made out against the petitioner. *Per contra*, learned Additional Public Prosecutor representing the State submitted that if the petitioner is released on bail, he may involve in similar type of cases in view of his previous conduct. He further submitted that the investigation is in progress; therefore, the petition is liable to be dismissed.

3. The case of the prosecution is that on 11.9.2017, the Sub-Inspector of Police, Hanamkonda Police Station, seized 300 grams of dry ganja from the possession of the petitioner, who is selling ganja to the needy people. After completion of necessary formalities, the Sub Inspector of Police registered the above case and produced the petitioner before the concerned Court for judicial custody.

3. The petitioner filed CrI.M.P.No.671 of 2017 on the file of the Special Sessions Judge for NDPS Cases-cum-I Additional Sessions

Judge, Warangal, under Section 439 of Cr.P.C., and the same was dismissed on 05.10.2017.

4. A perusal of the record *prima facie* reveals that 300 grams of ganja was seized from the petitioner on 11.9.2017. The record further reveals that the petitioner is accused in Crime No.329 of 2015 on the file of the Station House Officer, Hanamkonda Police Station, for the offence under Section 8(c) read with 20 of the NDPS Act. The record further reveals that the investigation is in progress.

5. Taking into consideration the conduct of the petitioner and the stage of the investigation, this Court is of considered view that this is not a fit case to grant bail to the petitioner.

6. Accordingly, the criminal petition is dismissed.

October 20, 2017
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T.SUNIL CHOWDARY, J

