

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRL.P.No. 3658 of 2017

ORDER:

This criminal petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner/A1 seeking regular bail.

The offence alleged against her in Crime No.118 of 2017 of Kachiguda Police Station, Hyderabad is under Section 20(b)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').

Heard Sri L.Ravichander, Senior Counsel representing Sri Mayur Mundra, counsel for the petitioner/A1 and learned Additional Public Prosecutor.

The allegation against the petitioner herein and others was that they were found transporting Ganja. As per remand report dated 20.04.2016, from the possession of the petitioner, around 75 kgs of Ganja was seized.

Be that as it may, Sri L.Ravichander, Senior Counsel denied the allegation against the petitioner and pleaded for bail on the submission that the petitioner/A1 is a lady; she is a mother of three children who are minors; her health is also not good and that investigation is almost completed and A2 to A4 were already enlarged on bail. Additionally, he submitted that in case of her prolonged detainment in the jail her children would suffer a lot.

Opposing the bail, learned Additional Public Prosecutor would submit that commercial quantity of Ganja of 75 kgs was found in possession of the petitioner/A1 and, in fact, she purchased around 150 kgs of which she already sold away more than 50kgs and rest of the quantity was seized from her possession

and in view of the gravity of the offence, bail may not be granted to her. He also submitted that investigation is still pending and charge sheet is not yet filed. So far as other accused are concerned, he would submit that since the quantity of Ganja found was less than commercial quantity, bail was granted to them and that has nothing to do with the case of the petitioner.

Perusal of the CD file shows that investigation is still pending and charge sheet is not yet filed. Previously, the bail application filed by this petitioner in Cr.M.P.No.1336 of 2017 was dismissed by the II Additional Metropolitan Magistrate, Hyderabad on 01.05.2017. There are no changed circumstances thereafter to consider the bail application. It may be true that the petitioner is a lady and having minor children. However, in a grievous offence of this nature where societal interest is involved, the individual interest of an accused cannot be weighed with to consider her request. There are no grounds to grant bail.

Accordingly, the criminal petition is dismissed.

Miscellaneous petitions if any pending in this petition, shall stands dismissed.

05.06.2017
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U.DURGA PRASAD RAO,J