

THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

CRIMINAL PETITION No.4543 of 2017

ORDER.

This Criminal Petition is filed under Sections 437 and 439 of Cr.P.C. by the petitioner/A3 seeking for regular bail in Cr.No.216 of 2016 of Ravulapalem Police Station, wherein all the accused allegedly committed the offences punishable under Sections 8 (c) read with 20 (b) (ii) (c) of N.D.P.S. Act, 1985 for illegally transporting 784 kgs of ganja in Eicher van bearing No.AP-31-Y-9149.

The prosecution case is that on 28-9-2016 at about 5 P.M., on receipt of information, the Inspector of Police, Ravulapalem police Circle arrested A.1, A.4 and A.5 and the driver of car bearing No.AP-31-Y-9149 and Tata Indigo white colour car bearing A.P-37-AX- 3499. On interrogation, A.1, A.3 and A.4 allegedly confessed that they along with driver of the van by name Vayelada Nookaraju (A3) together transported the ganja from agency area, Visakhapatnam District to Tuni by Eicher van AP-31-Y-9149 by concealing the same with Maize load by escorting the same through White Colour Tata Indigo Car and when they came to Ravulapalem and parked the vehicle behind Petrol Bunk and when A.2 and A.3 went out side, the police arrested them. Hence, the case.

Pleading for bail, learned counsel would submit that petitioner/A3 is innocent and he was not found at the scene and he

was falsely implicated in this case and on this ground, bail is sought for.

Learned Additional Public Prosecutor opposed the petition and his main submission is that the commercial quantity of ganja was seized from Eicher van and all the accused, including petitioner/A3 were there and petitioner/A3 was the driver of Eicher van and at the relevant point of time, he escaped and therefore, he could not be found but his involvement was spoken by the other accused in their statement.

The mediators' report shows the complicity of the petitioner/A3 who was the driver of Eicher van. Commercial quantity of the ganja was seized from the van in possession of the accused. The matter is reported to be pending for trial in S.C.No.75 of 2017 on the file of I Additional District and Sessions Judge, Rajahmundry. Hence, it is not a fit case to grant bail to the petitioner.

Accordingly, this Criminal Petition is dismissed.

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

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U.DURGA PRASAD RAO,J

Dt: 23-6-2017.

Dvs

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DATED 23-6-2017