

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.7633 OF 2017

ORDER:

Petitioner, who is A7 in Crime No.114 of 2017 on the file of the Station House Officer, Proddatur III Town Police Station, YSR Kadapa District, registered for the offences punishable under Sections 20(b) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') and 9 (1) of A.P. Gaming Act, filed this petition under Section 438 Cr.P.C., seeking anticipatory bail

2. Learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case basing on the confession of the co-accused; therefore, it is a fit case to grant pre-arrest bail to the petitioner. **Per Contra**, learned Additional Public Prosecutor submitted that the petitioner is a habitual offender; therefore, it is not a fit case to grant bail, at this stage, in view of the pendency of the investigation.

3. The case of the prosecution is that on 25.07.2017 at about 3.15 p.m., the Inspector of Police, Proddatur Police Station, on receiving reliable information, proceeded to Achary Colony, Proddatur and found one female person and six male persons. On seeing the raiding party, six persons tried to run away. The raiding party caught hold six persons and the petitioner herein fled away. The Inspector of Police seized 2 kgs 900 grams of ganja from the possession of the petitioner. It is the further case of the prosecution that the petitioner supplied ganja to other accused. After completion of necessary formalities, the above case was registered.

4. While deciding this type of cases, the Court has to take into consideration whether there is a *prima facie* material against the petitioner or not. A perusal of the record reveals that the petitioner fled away from the scene of offence on seeing the Inspector of Police. A perusal of the record reveals that the

petitioner is an accused in Cr.No.449 of 2013 on the file of the Station House Officer, Mydukuru Police Station.

5. Having regard to the facts and circumstances of the case and also the stage of investigation, I am of the considered view that it is not a fit case to grant bail to the petitioner.

6. Accordingly, the Criminal Petition is dismissed.

T.SUNIL CHOWDARY, J

DATED: 12-09-2017
Hsd

