

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10546 OF 2017

ORDER:

Heard learned counsel for the petitioner/Accused and learned Additional Public Prosecutor for the respondent State, and perused the record.

This petition is filed under Section 439 Cr.P.C. for grant of bail to the petitioner/Accused in Crime No.479 of 2017 of Satyanarayanapuram Police Station, Vijayawada City, Krishna District for the offences punishable under Section 8(c) read with 20(b) of NDPS Act and Sections 270 and 273 IPC

Learned counsel for the petitioner would submit that the entire prosecution case is false and no ganja as alleged by the prosecution was seized. The petitioner is an auto driver and ultimately prayed to grant bail.

Learned Additional Public Prosecutor opposed the grant of bail to the petitioner/Accused stating that there are three other criminal cases where ganja bags were seized from the possession of the accused and prayed to dismiss the petition.

The material on record reveals that when the police were checking the vehicles on 18.08.2017 around 18:00 hours, they found the petitioner proceeding in an auto rickshaw bearing No.AP 37 TE 8548 and his movements were suspicious. The officials concerned have checked the auto rickshaw, found about 50 kgs of ganja packed in different boxes and seized the same under the cover of panchanama. There is also a mention that MRO also participated in the proceedings. There are five packets, each containing 10 kgs of ganja. Samples were drawn under a cover of

panchanama. When huge quantity of ganja alleged to have been seized from the possession of the petitioner, it cannot be said that the case is foisted against him. The alleged quantity seized is a commercial quantity. There is a stringent punishment for possessing ganja under the NDPS Act. Under these circumstances, it is not a fit case to grant bail to the petitioner/Accused.

Hence, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

15th NOVEMBER, 2017.
ssp

