

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10887 OF 2017

ORDER:

This petition is filed under Section 439 Cr.P.C. to grant bail to the petitioners-A2 and A3 for the offence alleged under Section 8 (c) r/w 20 (b) (ii) (c) of N.D.P.S. Act.

2. Heard learned counsel for the petitioners-A2 and A3, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners-A2 and A3 would submit that the petitioners-A2 and A3 are falsely implicated in this case. No ganja was seized from their possession and ultimately, prayed to allow the petition.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioners-A2 and A3.

5. The material placed on record reveals that on 25.07.2017, the petitioners-A2 and A3 were carrying ganja in one silver colour chaverlet car bearing No. OD 10 F 4485. The car was searched and 70 Kgs of ganja in three bags was seized under a cover of panchanama on that day. Thereafter, this case is registered and investigated.

6. Learned counsel for the petitioners-A2 and A3 would submit that the ganja is not a commercial quantity.

7. As per the record, 70 Kgs of ganja was seized from the car. Therefore, it cannot be said that it is not a commercial quantity. Further, the innocence or otherwise of the petitioners-A2 and A3 can only be decided after due

trial. The allegations are grave. There is possibility of repeating the similar offence in future. There are no justifiable grounds to grant bail to the petitioners-A2 and A3.

8. Accordingly, the Criminal Petition is dismissed.

DR.SHAMEEM AKTHER, J

DATED: 22-11-2017

Hsd

