

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10851 of 2017

ORDER:

Heard learned counsel for the petitioners/A.1 to A.5 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 petitioners/A.1 to A.5 in Crime No.58 of 2017 of L. Kota Police Station, Vizianagaram District, for the offence punishable under Section 8(c) read with 20 (b)(ii) of NDPS Act.

Learned counsel for the petitioners would submit that the petitioners/A.1 to A.5 are innocent persons and no ganja was seized from their possession. The panch witnesses belong to different places. The entire case of the prosecution is false. The charge sheet is filed in this case and ultimately, prayed to grant bail to the petitioners/A.1 to A.5.

Learned Additional Public Prosecutor opposed the grant of bail to the petitioners/A.1 to A.5.

As per the material placed before this Court, 40 kgs of ganja was being carried by the petitioners/A.1 to A.5 by Tata Indica Car bearing No.OROZA V 8118 in 22 bags. The same was seized by way of panchanama on 27.06.2017. As per the orders passed by this Court in CrI.P.No.8360 of 2017 on 14.09.2017, the earlier bail application of the petitioners was dismissed. The quantity alleged to have been seized from the possession of the

petitioners/A.1 to A.5 is a commercial quantity. Filing charge sheet is not a ground to enlarge the petitioners/A.1 to A.5 on bail. There is stringent punishment prescribed for the offence under NDPS Act and the gravity of offence is high. It cannot be said that the case of the prosecution is false.

In the result, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

15th NOVEMBER, 2017.

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