

The Hon'ble Dr. Justice Shameem Akther

Criminal Petition No.10946 of 2017

Order:

Heard learned Counsel for the petitioners/accused Nos.3 & 4, learned Additional Public Prosecutor appearing 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/accused Nos.3 & 4 in Crime No.48 of 2017 on the file of the Station House Officer, Nakkapalli Police Station, Visakhapatnam District, registered for the offences punishable under Sections 20(b) and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The learned Counsel for the petitioners denied the case of the Prosecution and submitted that nothing was seized from the possession of the petitioners. He ultimately prayed to allow the Petition.

The learned Additional Public Prosecutor opposed for grant of bail to the petitioners.

As per the material placed on record, on 20-03-2017, while conducting vehicle checking at Hetero road junction on NH-16, Saripallivanipalem Village, the Sub-Inspector of Police, Nakkapalli Police Station, found one pulsar Motor bike bearing registration No.AP 31 CS 4908 and Tata Xenon Turbo Van bearing registration

No.AP 27 TW 3311 coming from Addu Road and on checking the van, he found 570 kgs of Ganja, which is a commercial quantity. He seized the same under the cover of panchanama. The petitioner/accused No.3 is the driver of the van and petitioner/accused No.4 is the owner of Ganja.

When huge quantity of Ganja is seized by following the procedure as prescribed under law, it cannot be said that the case of the Prosecution is false. Therefore, in view of the gravity of the offence and stringent punishment prescribed for the alleged offences, it is not appropriate to release the petitioners on bail.

Hence, the Criminal Petition is dismissed.

(Dr.Shameem Akther, J)

Dated: 16-11-2017
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