

The Hon'ble Dr. Justice Shameem Akther

Criminal Petition No.10973 of 2017

Order:

Heard learned Counsel for the petitioner/accused No.2, 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 petitioner/accused No.2, pending enquiry in NDPS SC No.121 of 2017 on the file of the I Additional District & Sessions Judge, East Godavari District, for the offence punishable under Section 8(c) r/w 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The learned Counsel for the petitioner would submit that the petitioner is an innocent person; nothing was seized from his possession; his wife is sick; accused No.4 was granted bail; and ultimately prayed to grant bail to the petitioner.

The learned Additional Public Prosecutor would submit that the earlier bail application of this petitioner was dismissed *vide* Order, dated 18.08.2017, in CrI.P.No.7174 of 2017 and there are no change of circumstances.

As seen from the record, 227 kgs of Ganja was seized from a van bearing No.AP 30X 5678 on 17-01-2017 at NH-16, Hukkumpeta, under a cover of panchanama, following the

procedure prescribed under law. The sickness of the petitioner's wife and release of accused No.4 on bail have nothing to do with this case. The allegations against accused No.4 are distinct from the allegations against the petitioner/accused No.2. Therefore, this petitioner is not entitled to bail.

The Criminal Petition is, accordingly, dismissed.

(Dr.Shameem Akther, J)

Dated: 16-11-2017
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