

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12022 OF 2017

ORDER:

Heard learned counsel for the petitioner/A.1, 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/A.1 in NDPS S.C.No.99 of 2017 in Crime No.32 of 2016 of Kunavaram Police Station, East Godavari District, for the offence punishable under Section 8(c) read with Section 20(b)(ii)(c) of NDPS Act.

Learned counsel for the petitioner would submit that the petitioner is an innocent person and falsely implicated in this case. As per the prosecution case, 36 kgs of ganja in four different bags alleged to have been transported by the petitioner/A.1 and other accused on two different motorcycles. It is not a commercial quantity. The petitioner/A.1 is in jail from 25.11.2016 and ultimately prayed to allow the petition.

Learned Additional Public Prosecutor would submit that altogether 36 kgs of ganja was seized from four accused. A.4 is a juvenile in conflict with law. The quantity seized is a commercial quantity and ultimately prayed to dismiss the petition.

As per the material placed on record, the petitioner/A.1 and other accused were engaged to transport ganja by unknown persons on 24.11.2016. The ganja was seized under a cover of panchanama. These petitioners were remanded to judicial custody on 25.11.2016. The matter requires thorough investigation. It is not appropriate to form any opinion with regard to quantity of

ganja alleged to have been seized, as investigation is in progress. The petitioner is not entitled for bail. Under these circumstances, the petitioner is at liberty to move an application after filing charge-sheet.

In the result, the Criminal Petition is dismissed.

Dr. SHAMEEM AKTHER, J

13th December, 2017.
ssp

