

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11973 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 Crime No.94 of 2017 of Prathipadu Police Station, Guntur District, for the offences punishable under Section 279 IPC and Section 8(c) read with Section 20(b)(ii) of NDPS Act.

Learned counsel for the petitioner/A.1 would submit that the petitioner is an innocent person and falsely implicated in this case. He was remanded to judicial custody on 07.09.2017. The entire investigation is completed and ultimately prayed to allow the petition.

Learned Additional Public Prosecutor opposed the grant of bail to the petitioner stating that 250 kgs of ganja was seized from the possession of accused, when the same was being transported by car bearing No.AP 09 CN 4669 on 07.09.2017. It is a commercial quantity. The investigation is not completed. The petitioner is not entitled for bail.

The point for determination is :-

Whether the petitioner/A.1 is entitled for bail under Section 439 Cr.P.C.?

As per the panchanama dated 07.09.2017 and the investigation conducted by the police officials, 250 kgs of ganja was being transported by the accused by car bearing No.AP 09 CN

4669 and the same was seized on that day. There is no reason for the police to get huge quantity of ganja and file a false case against the accused. There is a confession leading to recovery of 250 kgs of contraband. The allegations are serious in nature. The punishment prescribed for the offence is stringent. The seized quantity of ganja is a commercial quantity. It cannot be said that the petitioner is falsely implicated in this case and there is no reason to hold that the petitioner would not commit similar offences in future. Under these circumstances, the petitioner/A.1 is not entitled for bail.

In the result, the Criminal Petition is dismissed.

13th December, 2017.
ssp

Dr. SHAMEEM AKTHER, J

