

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.11876 OF 2017

ORDER:

This Criminal Petition is filed seeking for grant of bail to the petitioners who are accused Nos.3 and 6 in Crime No.07 of 2017 on the file of Ananthagiri Police Station, Visakhapatnam district.

2. The offences alleged are under Section 20(b)(i) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act').

3. Heard the learned counsel for the petitioners, learned Public Prosecutor appearing for the respondent-State, and perused the record.

4. The case of the prosecution is that 200 K.Gs. of ganja was seized from all the accused and all the accused were found to be in joint possession of the said ganja. The possession being joint, possession of the accused has to be assumed as being in possession of the commercial quantity. Section 37 of the Act **does** not permit grant of bail when commercial quantity is involved, **unless** there are reasonable grounds for believing that the accused are not guilty of such offence and that they are not likely to commit any offence while on bail.

5. The ruling relied upon by the learned counsel for the petitioners, of the Apex Court, is in ***Union of India Vs. Rattan Malik @ Habul***¹; in which the expression 'reasonable grounds' used in Section 37 of the Act is explained, by holding that it means something more than *prima-facie* grounds. The charge sheet, which is filed against the petitioners, would show that there are reasonable grounds to believe that the accused are guilty, as they were found on the spot and apprehended by the complainant; panchanama was also conducted in the presence of

¹ 2009 CrI.L.J. 3042

independent mediators. Hence, in the above circumstances, this Court finds that this is not a fit case for grant of bail to the petitioners.

Hence, the Criminal Petition is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand dismissed.

T. RAJANI, J

Date: 26.12.2017.
Dsh



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