

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12148 OF 2017

ORDER:

This petition is filed under Section 439 Cr.P.C. to grant bail to the petitioner-A3 for the offence alleged under Section 8 (c) r/w 20 (b) (ii) (c) of NDPS Act.

2. Heard learned counsel for the petitioner-A3, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioner-A3 would submit that the ganja seized is not a commercial quantity. Some people travelling in Indigo Car bearing No.AP31TC5923 absconded on seeing the police. The petitioner-A3 was not responsible for the alleged seizure of ganja and ultimately, prayed to allow the application.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioner-A3.

5. As per the material placed on record, on 16.05.2017 around 3.30 P.M., the police intercepted the Indigo Car bearing No.AP31TC5923, which was proceeding from Yeleswaram to Yarravaram. When the said car was made to stop, the police found the petitioner-A3 and other accused in the car. On search, they found four gunny bags in the car weighing 100 Kgs of ganja and seized the same under a cover of panchanama as per the procedure established. Thereafter, arrest was effected and the petitioner-A3 and other accused were remanded to judicial custody. The record reveals that 100 Kgs of ganja was seized, which is a commercial quantity. It cannot be said that the petitioner-A3 was not in conscious possession of

the ganja. The allegations are grave. The punishment for the alleged offence is stringent. It cannot be held that the petitioner-A3 is an innocent person and falsely implicated in this case. Therefore, the application does not merit consideration.

6. Accordingly, the Criminal Petition is dismissed.

DR.SHAMEEM AKTHER, J

DATED: 15-12-2017

Hsd

