

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition No.12295 of 2017

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of anticipatory bail in the event of his arrest in Crime No.20 of 2017 on the file of the Mothugudem Police Station, East Godavari District, registered for the offences punishable under Section 8(c) read with 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard the learned counsel for the petitioner/A.1, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/A.1 would submit the petitioner/A.1 is innocent person and falsely implicated in this case. He has nothing to do with 25 kilograms of Ganja seized from the DCM Van and ultimately prayed to allow the application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioner/A.1.

5. As per the material placed on record, on 06.07.2017, A.2 and A.3 were found transporting 25 kilograms of Ganja in a DCM van bearing registration No.AP 16 Y 7666. The DCM van said to have entrusted to A.2 by the petitioner/A.1. The learned counsel for the petitioner/A.1 would submit that the petitioner/A.1 is not the owner of the DCM Van and the RC Book is in somebody's name. As per the

material placed on record, the petitioner/A.1 is the person who entrusted the crime vehicle bearing registration No.AP 16 Y 7666 to A.2 to get Ganja from Visakhapatnam area. When the same was being transported, being kept in a secret place of the crime vehicle, the police intercepted the crime vehicle and Ganja was seized under a cover of Panchanama. There are specific and grave allegations against the petitioner/A.1. The petitioner/A.1 is the main person who made A.2 and A.3 to transport the Ganja in the crime vehicle. The matter requires thorough investigation. In the event of release of the petitioner/A.1 on bail under Section 438 of Cr.P.C., there is possibility of causing disappearance of the material evidence. The regular bail application of A.2 and A.3 in this case was dismissed by this Court *vide* order, dated 21.08.2017, passed in CrI.P.No.7266 of 2017, on an earlier occasion. The Criminal Petition is devoid of merit and is liable to be dismissed.

6. Hence, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

19th December, 2017
Bvv