

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11618 OF 2017

ORDER:

This Criminal Petition, under Sections 437 and 439 of the Code of Criminal Procedure, 1973, is filed by the petitioners/accused Nos.1 and 2, for grant of bail in connection with Crime No.89 of 2017 on the file of Bhavanipuram Prohibition and Excise Station, Vijayawada, Krishna District, registered for the offence punishable under Section 8 (c) read with 20 (b) (ii) (C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act').

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

3. Learned counsel for the petitioners would submit that the petitioners are brothers. They are selling panipuri and eking out their livelihood. They are innocent persons. The entire case of the prosecution is false and ultimately, prayed to allow the application.

4. Learned Additional Public Prosecutor opposed to grant bail to the petitioners/accused Nos.1 and 2.

5. The material on record reveals that on 09.07.2017, at 04:00 PM, when the prohibition and excise police officials were moving, they found petitioners in suspicious circumstance carrying four luggage bags. The petitioners tried to run away on

seeing the police. Thereafter, the petitioners were apprehended. The bags were searched, wherein 43.250 Kgs. of ganja was seized under a cover of panchanama following the procedure contemplated under Section 50 of the Act.

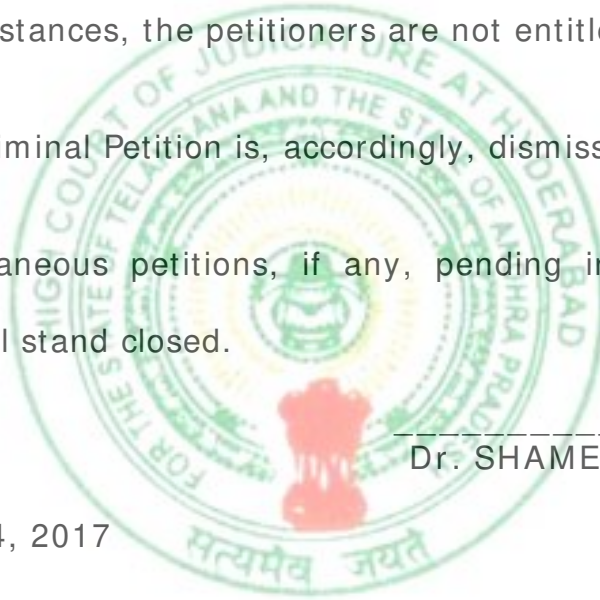
6. The quantity of ganja seized from the petitioners is a commercial quantity. It cannot be said that the case of the prosecution is false and the petitioners are innocent persons. The allegations are grave. Further, it cannot be said that the petitioners would not indulge in similar offence in future. Under these circumstances, the petitioners are not entitled for bail.

7. The Criminal Petition is, accordingly, dismissed.

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

Dr. SHAMEEM AKTHER, J

December 04, 2017
MD



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