

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12504 OF 2017

ORDER:

This Criminal Petition is filed by the petitioners/A.1 and A.2 under Section 439 of Cr.P.C. for grant of bail to them in Crime No.140 of 2017 of Annavaram Police Station, East Godavari District, registered for the offence punishable under Section 8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

3. The learned counsel for the petitioners/A.1 and A.2 would submit that the petitioners are innocent persons and falsely implicated in this case. The main accused in this case is accused No.3, who alleged to have purchased the ganja. The daughter of the petitioner/A.1 is pregnant and her husband is staying in Jammu & Kashmir and nobody is there to take care of his pregnant daughter, and ultimately prayed to allow the application.

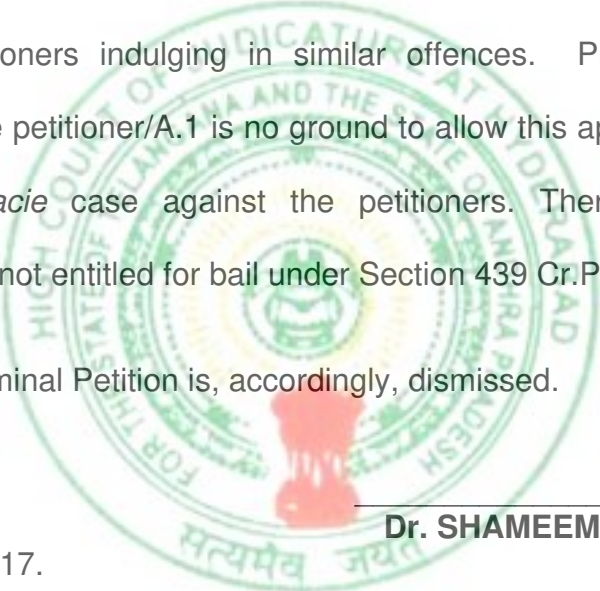
4. The learned Additional Public Prosecutor opposed the grant of bail to the petitioners/A.1 and A.2.

5. As per the material placed on record, the petitioners/A.1 and A.2 are living together and they have developed sexual relationship. The accused No.3 is the relative of the petitioner/A.2. At the instance of the accused No.3, it is alleged that these petitioners wanted to sell ganja at Kadapa at higher rate to make profit and make their living. On 16.09.2017, 125 Kgs. of ganja from five bags was seized from the possession of the petitioners/A.1 and A.2 at Annavaram near

SVVSSD Degree College by the side of Eluru canal and the same was seized under the cover of panchanama in the presence of mediators, by following the procedure contemplated under law.

6. Admittedly, there is no reason for the police to get 125 Kgs. of ganja and falsely implicated the petitioners in this case. The five bags containing ganja weighing 125 Kgs., were seized pursuant to confession of these petitioners. It cannot be said that they were not in conscious possession of the same. In these circumstances, it cannot be held that the petitioners are innocent persons and falsely implicated in this case. Further, in the event of release of petitioners on bail, there is a possibility of these petitioners indulging in similar offences. Pregnancy of the daughter of the petitioner/A.1 is no ground to allow this application. There is a *prima facie* case against the petitioners. Therefore, both the petitioners are not entitled for bail under Section 439 Cr.P.C.

7. The Criminal Petition is, accordingly, dismissed.



Dr. SHAMEEM AKTHER, J

Date: 22-12-2017.

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