

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11711 OF 2017

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.2, for grant of bail in S.C.No.143 of 2017 on the file of I Additional District and Sessions Judge, Rajamahendravaram, East Godavari District, 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 petitioner/accused No.2, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner would submit that no ganja was seized from the possession of the petitioner. He was only a car driver and he was falsely implicated in this case. He would further submit that charge sheet was already filed.

4. The learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused No.2.

5. The material on record reveals that on 14.04.2017, when the car bearing No.TS-04-EJ-8286 was stopped and searched, 60 Kgs. of ganja was found therein. The petitioner/accused No.2 was the driver of the said car. The other accused were inmates of the car. It is also submitted that the requisite provisions of the Act have been complied with. The quantity of ganja seized is a commercial quantity. The allegations are grave. Under these circumstances, it cannot be said

that the petitioner has no knowledge of transportation of ganja in the subject car. It cannot be said that the petitioner was not conscious of the ganja being transported. Further, it cannot be held that the petitioner is an innocent person and is falsely implicated in this case. Filing of charge sheet is not a ground to allow this application.

6. Hence, the Criminal Petition is dismissed. However, the trial Court is directed to expedite the trial and dispose of the case, preferably within a period of six months from the date of receipt of a copy of this order.

December 05, 2017
MD



Dr. SHAMEEM AKTHER, J

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