

HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12274 OF 2017

ORDER:

This Criminal Petition is filed by the petitioner/A.1 under Section 439 Cr.P.C. for grant of bail to him in Crime No.53 of 2016 of Maredumilli 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 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 that the charge sheet is filed in this case and Sessions Case number is also given. The petitioner/A.1 is an innocent person and falsely implicated in this case. The Sessions cases of the year 2015 are being taken up by the I Additional Sessions Judge, Rajamahendravaram. There is no possibility of finality of this case in near future, and ultimately prayed to allow the application.

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

5. As per the material placed on record, the petitioner/A.1 along with accused No.2 found transporting 147 Kgs. of ganja worth Rs.7,35,000/- by a car bearing No.AP20 AJ 1166 and the same was seized under the cover of panchanama. The petitioner/A.1 along with accused No.2 filed Criminal Petition No.5662 of 2017 seeking bail and the said application was dismissed by this Court, on 25.07.2017, assigning number of reasons. By that date, charge sheet was already filed in this case.

6. The total quantity of ganja seized is a commercial quantity. There are no changed circumstances. It cannot be held that the petitioner/A.1 is an innocent person and falsely implicated in this case. Under these circumstances, the petitioner/A.1 is not entitled for bail under Section 439 Cr.P.C. However, the trial Court is directed to expedite and complete the trial of Sessions Case No.89 of 2017 within a period of four (4) months from the date of receipt of a copy of this order.

7. With the above direction, the Criminal Petition is dismissed.

Date: 19-12-2017.

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Dr. SHAMEEM AKTHER, J

