

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.199 of 2018

ORDER:

This petition is filed, under Sections 437 and 439 of the Code of Criminal Procedure, 1973, seeking for release of the petitioners, who are accused, on bail in NDPS SC No.224 of 2017 on the file of the I Additional District & Sessions Judge, Rajamahendravaram, East Godavari District.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the respondent.

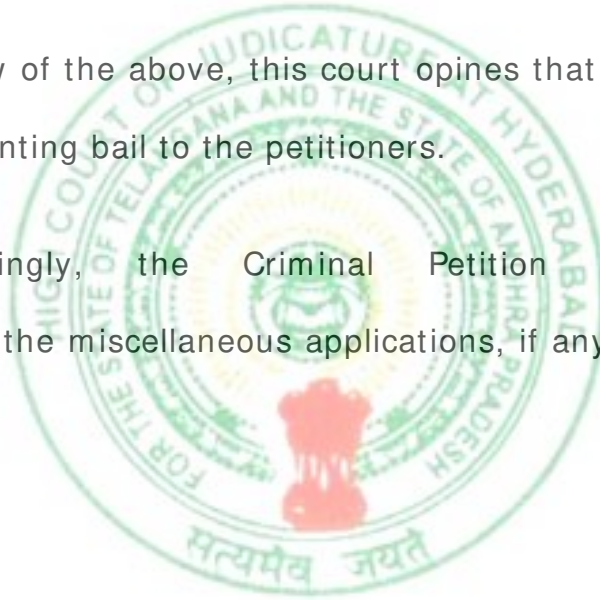
3. The counsel for the petitioners contends that these petitioners are innocent and that the entire investigation has been completed and charge sheet is also filed. But no case is made out by the petitioners' counsel to bring the petitioners out of the clutches of Section 37 of the NDPS Act, which does not permit the court to grant bail if the quantity of contraband involved in the case is commercial quantity, unless the two conditions laid therein are satisfied, one being that the court is satisfied that there are reasonable grounds for believing that the petitioners are not guilty of such offence and the other being that they are not likely to commit offence while on bail.

4. The Public Prosecutor, however, does not contend that the petitioners are habitual offenders and there is no material from which it can be inferred that the petitioners would commit any offence while on bail.

5. But so far as the other condition is concerned, the case of the prosecution is that the petitioners herein were apprehended on spot and were found to be in possession of the commercial quantity of Ganja. No violation by the police, with regard to the mandatory provisions, is evident from the charge sheet, as the Sub-Inspector of Police is the person, who conducted investigation. The counsel for the petitioners also does not make out anything from the material to say that mandatory provisions are violated.

6. In view of the above, this court opines that this is not a fit grant for granting bail to the petitioners.

Accordingly, the Criminal Petition is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.



T. RAJANI, J

February 9, 2018
LMV