

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.242 OF 2018

ORDER:

This Criminal Petition is filed seeking for grant of bail to the petitioners, who are accused Nos.1 and 2, in Crime No.24 of 2017 on the file of the Station House Officer, Jaddangi Police Station, East Godavari District.

2. The offences alleged are under Section 8(c) R/w.20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act').

3. Heard the learned counsel for the petitioners, learned Public Prosecutor appearing for the respondent-State, and perused the record.

4. As per the case of the prosecution, the petitioners procured ganja to an extent of 200 K.Gs. and carrying the same in the vehicle bearing No.AP09 AY 7299.

5. Learned counsel for the petitioners submits that, as per the case of the prosecution, Hero Honda City vehicle bearing No.AP09 AY 7299 belongs to accused No.1 but, in fact, the vehicle does not stand in his name.

6. Be that as it may, the *prima-facie* case that appears from the record is that the petitioners are dealing with ganja which is of commercial quantity. Section 37 of the Act does not permit grant of bail to the petitioners when commercial quantity of the contraband is involved, except under the two circumstances; first being that the petitioners do not *prima-facie* appear to be guilty of such offence and the second being that they

do not jump bail while being enlarged. The said circumstances do not appear in this case. Hence, the Criminal Petition is dismissed.

As a sequel, the miscellaneous applications, if any pending, shall stand dismissed.

T. RAJANI, J

Date: 02.02.2018.

Dsh



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DSH