

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.258 OF 2018

ORDER:

This Criminal Petition is filed seeking for grant of bail to the petitioners, who are accused Nos.1 and 3, in Sessions Case No.22 of 2017 on the file of I Additional District & Sessions Judge-cum-Special Judge for trial of cases under NDPS Act, Rajamahendravaram, East Godavari District.

2. The offences alleged are under Section 8(c) r/w 20(b)(ii)(B) 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. The learned counsel for the petitioners submits that Section 50 of the Act was not complied with in this case. The learned counsel relies on a mediators' panchanama on the seizure, wherein it was mentioned that a gazetted officer wanted to conduct a personal search on the accused and in which circumstances, Section 50 of the Act needs to be complied with. But, the learned Public Prosecutor contends that Section 50 of the Act was, nevertheless, complied with and notices were given to the accused. The learned Public Prosecutor also filed copies of notices under Section 50 of the Act, given to the accused. Hence, in such circumstances, it cannot be said that Section 50 of the Act is violated.

5. The other contention that the other accused were already enlarged on bail, does not come in favour of the petitioners, as they were granted only statutory bail due to investigation being not completed during the

given period. Hence, the said argument does not hold good for grant bail to the petitioners.

6. With the above observations, the Criminal Petition is dismissed. However, considering the submissions of the learned counsel for the petitioners that the crime is of the year 2016 and the trial has not yet commenced, the trial Court is directed to commence the trial as expeditiously as possible, preferably within a period of six (6) months, from the date of receipt of a copy of this order.

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

Date: 23.01.2018.
anr



T. RAJANI, J

SMT JUSTICE T.RAJANI



CRIMINAL PETITION No. 258 OF 2018

Date. 23.01.2018

anr