

SMT. JUSTICE T.RAJANI
CRIMINAL PETITION No.414 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.89 of 2017 on the file of the Station House Officer, Bhavanipuram Police Station, Vijayawada, Krishna District.

2. The offences alleged are under Sections 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.

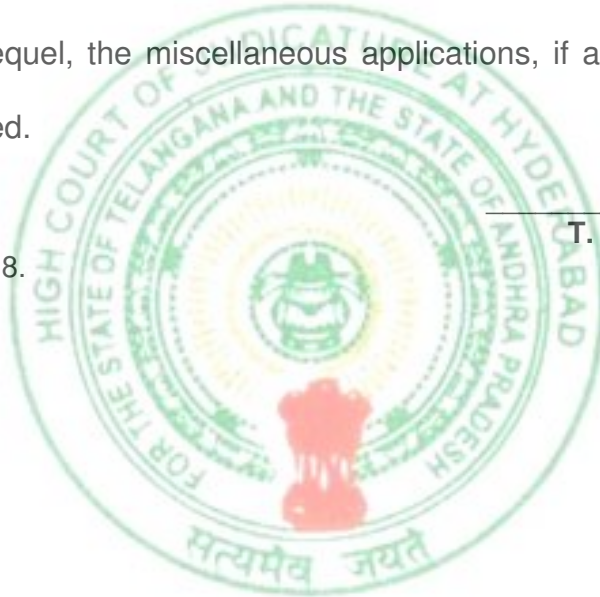
4. Learned counsel for the petitioners points out the lapses on the part of the investigation and, in order to support his contention that the petitioners are falsely implicated in this case, his first contention is that no tickets were seized from the petitioners and the second contention is that when accused Nos.3 and 4 were tried to be contacted, their phones were switched off. But, unfortunately, these two points do not help the petitioners to draw any support to the contention that the petitioners are not guilty for the aforesaid offences. It is only on the basis of the confessions made by these petitioners that the Police tried to contact accused Nos.3 and 4. Their phones being switched off, do not in any manner accrue to the benefit of the accused. Non seizure of tickets would not be material, to prove the case of the petitioners, if the other evidence is cogent. Apart from the above, the attention of this Court is drawn to the earlier bail petition, which was dismissed by this Court, considering the merits of the case. Hence, when the earlier bail petition filed by the

petitioners was dismissed by this Court, no further bail petition can be moved by the petitioners, unless there are any special circumstances driving them to file a fresh bail petition. The other circumstances urged by the petitioners' counsel, that the father of the petitioners is not well and there is an un-married sister to the petitioners, are not supported by any material.

5. Hence, in the above circumstances, this Court opines that bail cannot be granted to the petitioners. Accordingly, the Criminal Petition is dismissed.

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

Date: 25.01.2018.
Dsh



T. RAJANI, J

SMT. JUSTICE T.RAJANI**131****01022018****CRIMINAL PETITION No. 414 OF 2018**

Date. 25.01.2018

DSH