

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1292 of 2018

ORDER:

This petition is filed, under Sections 437 and 439 of the Criminal Procedure Code, 1973, seeking to enlarge the petitioner, who is A2, on bail in Crime No.68 of 2017 on the file of the Station House Officer, Patamata Police Station, Vijayawada City.

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

3. As per the case of the prosecution, commercial quantity i.e., 160 Kgs of Ganja, was being transported in the car, driven by A2.

4. The counsel for the petitioner submits that A1 in this case was already enlarged on bail.

5. A perusal of the order shows that consideration which weighed with the court while granting bail to A1 is that he was suffering from AIDS. But the said ground is not applicable to this petitioner. The contention of the petitioner, that he is only a Driver is also repelled by the contents of the Panchanama, which contains the confession of A2, wherein he stated that A1 entered into agreement with this petitioner, stating that if he acts as Driver of the Car for transporting the Ganja, he would share the profits, after ignoring the expenses. Hence, it is obvious that this petitioner is also participating in the business of Ganja.

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

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

February 15, 2018
LMV

T. RAJANI, J

