

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.1110 of 2018

ORDER:

This petition is filed under Sections 437 and 439 of Cr.P.C., seeking to grant bail to the petitioner, who is A1, in Crime No.37 of 2017 of Narsipatnam Rural Police Station, Visakhapatnam District, registered for the offences under Section 20(b)(i)(ii)(c) read with Section 8 (c) of NDPS Act.

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

3. The counsel for petitioner submits that in total, 50 Kgs of ganja was seized from the possession of A1 and A2 and that A2 in this case was already granted bail by virtue of the orders passed by the Metropolitan Sessions Judge, Visakhapatnam in CrI.M.P.No.3269 of 2017 dated 17.11.2017. A perusal of the said order shows that A2 was found in possession of 20 Kgs of ganja, which is non-commercial quantity. It is alleged that 30 Kgs of ganja was seized from the possession of petitioner/A1. Since the said quantity of ganja is beyond the commercial quantity, Section 37 of NDPS Act does not permit the Court to grant bail.

4. Hence, the Criminal Petition is dismissed. Miscellaneous applications, if any pending, in this petition shall stand dismissed.

T. RAJANI, J

16th February, 2018
sj