

SMT JUSTICE T. RAJANI

CRIMINAL PETITION Nos.1321 AND 1472 of 2018

COMMON ORDER:

These petitions are filed, under Sections 437 and 439 of the Criminal Procedure Code, 1973, seeking to enlarge the petitioners, who are A4 & A5 and A6 respectively, on bail in NDPS SC No.58 of 2017 on the file of the court of the Special Judge for Trial of Cases under NDPS Act-cum-I Additional District Judge, Vizianagaram, in Crime No.166 of 2017 of Gantyada Police Station.

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

3. As per the case of the prosecution, huge quantity of Ganja was being transported in four vehicles. The weight was about 800 Kgs.

4. The counsel for the petitioners submits that so far as these petitioners are concerned, only 80 Kgs. of Ganja was found. She also relies upon the contents of the charge sheet wherein it is mentioned that A10 to A12 are the main accused and that these petitioners are among the kith and kin of A10 to A12. She also submits that the petitioners have been in jail since 07.10.2017. But these petitioners are also found to be actively involved in the business of A10 to A12.

5. The quantity of Ganja, as per the information furnished by these petitioners, is much beyond the commercial quantity.

6. Section 37 of the NDPS Act does not permit granting bail to the petitioners if the contraband involved is a commercial quantity and hence, this court opines that this is not a fit case for granting bail to the petitioners.

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

February 15, 2018  
LMV

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T. RAJANI, J

