

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.1686 OF 2018

ORDER:

This petition is filed, under Sections 437 and 439 of the Criminal Procedure Code, 1973, seeking to enlarge the petitioners, who are A3 and A4, on bail in Crime No.56 of 2017, on the file of Narsipatnam (Rural) Police Station, Visakhapatnam District, for the offences punishable under Section 20(b)(i)(ii)(c) r/w 8(c) of NDPS Act.

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

3. The counsel for the petitioners, himself, fairly brings to the notice of this Court that earlier, this Court dismissed the petition, which was filed seeking for bail, by virtue of the orders in CrI.P.No.11870 of 2017. A perusal of the order shows, that by considering that the quantity of Ganza is beyond the commercial quantity, this Court dismissed the bail petition. Even if the said quantity, which is 100 Kgs, is divided among four accused, it would still be far beyond the commercial quantity. Hence, Section 37 of the Act comes as a hurdle in granting bail to the petitioners, in spite of the fact that petitioners have been in jail since 26.09.2017.

4. Hence, considering the above facts, this Court opines that this is not a fit case for grant of bail.

5. Accordingly, the Criminal Petition is dismissed.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

T.RAJANI, J

27.02.2018
SS

