

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.2322 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 A4, on bail in NDPS S.C.No.173 of 2017, on the file of I Additional District and Sessions Judge, East Godavari District at Rajamahendravaram, for the offences punishable under Section 8(c) r/w 20(b)(ii)(c) of NDPS Act.

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

3. The counsel for the petitioner submits that the role of this petitioner is not mentioned in the remand report or the first information report. But, the public prosecutor relies on the confession statement of A1, wherein it is clearly stated that this petitioner is the person, who along with two others, took them to the place, where the Ganja was kept and the public prosecutor submits that the Ganja was seized in the presence of this petitioner also.

4. Hence, considering the above, this Court opines that this case comes within the purview of Section 37 of NDPS Act, where bail cannot be granted when commercial quantity is involved.

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

05.03.2018
SS

