

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.2042 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 accused No.3, on bail, in Cr.No.279 of 2017 on the file of Duvvada Police Station, Visakhapatnam District. The offence alleged against the petitioner is under Section 8 (c) r/w 20 (b) (ii) of NDPS Act, 1985.

2. Heard learned counsel for the petitioner/accused No.3, learned Public Prosecutor appearing for the respondent-State.

3. Though this case involves commercial quantity, counsel for the petitioner submits that there is no reason to believe that petitioner will be held guilty as there is serious inconsistency in the case of the prosecution. He submits that petitioner was arrested on 18.09.2017, while a notice was issued to the Deputy Inspector General of Police (DIG) Visakhapatnam Range, Visakhapatnam, complaining that petitioner/A.3 was illegally detained by Police on 22.09.2017. But, from the letter which is dated 22.09.2017, stating that the petitioner was arrested on 18.09.2017, it cannot be conclusively stated that he was arrested on 18.09.2017. There is a possibility that the said letter could have been manipulated to suit the case of the accused. The photographs filed in support of the said contention, showing that the petitioner was in 'Jeans Corner' on Monday, which the petitioner states as 18.09.2017, also cannot be taken into consideration and it cannot be said that the petitioner was taken into custody at the 'Jeans Corner' and that the people in the photographs are Police personnel. Hence, this Court is of the view that bail cannot be granted to the petitioner.

4. Criminal petition is accordingly dismissed.

As a sequel, miscellaneous petitions, if any pending, stand closed.

T. RAJANI, J

March 14, 2018
MRR