

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.2198 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 A1 and A2, on bail in F.No.DRI/HZU/VRU/48/ENQ-5(INT-5)/2017, on the file of Directorate of Revenue Intelligence, Regional Unit, Viskahpatnam, for the offences punishable under Section 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 submits that these petitioners, even according to the case of the prosecution, have only been piloting the truck, which was carrying Ganza. But, a perusal of the remand c.d. shows that the petitioners had prior knowledge about the presence of the Ganza in the vehicle. Merely because they are not present in the vehicle, in which the Ganza was being transported and that they have been piloting, does not disconnect them with the transportation of Ganza. The contentions of the petitioners counsel that the vehicles were moved to another place, from the place of interception, also finds cogent explanation in the remand c.d. itself, stating that the vehicles were moved to another place as the police did not find the place of interception to be a congenial place to lodge the vehicles. The other contention of the petitioners counsel that the Ganza was seized only on the next day, also finds explanation from the remand c.d., wherein, they stated that the time of interception

being at 01:30 AM, they postponed the inspection of the vehicle on the next day. Hence, when such are the explanations coming for the lapses pointed out by the petitioners counsel, there cannot be any reason to infer innocence of the petitioners, which alone would entitle them for bail under Section 37 of NDPS Act.

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

5. Accordingly, the Criminal Petition is dismissed.

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

05.03.2018
SS



T.RAJANI, J