

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.2168 OF 2018

ORDER:

This Criminal Petition is filed seeking for grant of bail to the petitioners, who are accused Nos.1 and 2, in Crime No.26 of 2017 on the file of the Station House Officer, Narsipatnam Police Station, Visakhapatnam District. The offences alleged are under Sections 20(b)(ii)(C) and 25 R/w.8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1989 (for short, 'the NDPS Act').

2. Heard the learned counsel for the petitioners, learned Public Prosecutor appearing for the respondent-State, and perused the record.

3. The case of the prosecution is that 180 K.Gs. of ganja, altogether, was seized from accused Nos.1 to 5. Even if the said contraband is divided equally among the said accused, it still falls beyond the commercial quantity, which is a hurdle for grant of bail in view of Section 37 of the NDPS Act.

4. Learned counsel for the petitioners except submitting that the petitioners are languishing in jail since 24.05.2017 and Section 50 of the NDPS Act is being violated, did not submit any other ground which would allow this Court to overcome the hurdle under Section 37 of the NDPS Act. Further, Section 50 of the NDPS Act is not applicable to the facts of this case, as there was no personal search conducted.

5. Hence, in the light of the above, this Criminal Petition is not maintainable and is, accordingly, dismissed.

As a sequel, the miscellaneous applications, if any pending, shall stand dismissed.

T. RAJANI, J

Date: 06.03.2018.
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