

SMT JUSTICE T.RAJANI

CRIMINAL PETITION Nos.2181 AND 2182 OF 2018

COMMON ORDER:

Criminal Petition No.2181 of 2018 is filed by the petitioners/accused Nos.2 and 3 and Criminal Petition No.2182 of 2018 is filed by the petitioner/accused No.1, separately, seeking for grant of bail to them in Crime No.702 of 2017 on the file of the Station House Officer, Patamata Police Station, Vijayawada City.

2. The offence alleged is under Section 8(c) R/w.20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

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

4. The case of the prosecution is that 849 K.Gs. of ganza, which is beyond the commercial quantity, was being transported in two vehicles i.e., one being the car and another being a tanker lorry.

5. Learned counsel for the petitioners submits that the quantity of ganza seized from the car is not specifically shown in the mediatorsnama. But the mediatorsnama shows that accused No.1, who is the driver travelling in the car, confessed that he was doing business along with accused No.2, who is the driver of lorry, and accused No.3. Hence, *prima-facie*, there appears to be clear nexus between the drivers of car and the lorry and all the accused have to be considered as dealing with commercial quantity of ganza.

6. Hence, the submission of the petitioners counsel, that the petitioners are languishing in jail since 03.10.2017 and charge sheet is

already filed, cannot be considered for grant of bail to the petitioners, in view of the hurdle under Section 37 of the NDPS Act.

7. Accordingly, with the above observation, both the Criminal Petitions are dismissed.

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

T. RAJANI, J

Date: 06.03.2018.
Dsh



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Date. 06.03.2018

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