

SMT. JUSTICE T.RAJANI

CRIMINAL PETITION No. 2607 OF 2018

ORDER:

This petition is filed, under Sections 437 and 439 of the Criminal Procedure Code, 1973, seeking for grant of bail to the petitioner-accused No. 4 in Crime No. 9 of 2017 of Mothugudem Police Station, East Godavari District, registered for the offence punishable under Section 8 (c) read with Section 20 (b) (ii) (c) of NDPS Act, 1985 (for short, 'the Act').

2. Heard learned counsel for the petitioner and learned Public Prosecutor (A.P.).

3. Learned Public Prosecutor brings to the notice of this Court that the earlier bail petition filed by the petitioner was dismissed by virtue of order dated 15-06-2017 in Criminal Petition No. 3756 of 2017. A perusal of the order shows that the same was dismissed on merits, by considering that there is strong *prima facie* case against the accused and that the investigation is still pending. Hence, in the circumstances, Section 37 of the Act still continues to have a hold on the rights of the petitioner in obtaining bail.

4. Considering the above, this Court is not inclined to grant bail to the petitioner.

5. The criminal petition is accordingly dismissed. Pending miscellaneous petitions if any shall stand dismissed in consequence.

T. RAJANI, J

12-03-2018.
JSK