

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.3111 OF 2018

ORDER:

This petition is filed under Section 438 of Criminal Procedure Code (for short "Cr.P.C.") by accused Nos. 3 to 5, apprehending their arrest, in Crime No.60 of 2018 on the file of Bethamcherla Police Station, Kurnool District, registered for the offence punishable under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "N.D.P.S.Act"), under Section 9 (3) of APG (Matka) Act and under Section 7 (a) read with 8 (e) of APP Act, to direct the Station House Officer, Bethamcherla Police Station to release them on bail in the event of their arrest in connection with the above crime.

It is the contention of the petitioners that the accused No.1 filed Writ Petition No.2503 of 2018 on 29.01.2018, this Court by order dated 30.01.2018 and 21.02.2018 insisted the Government Pleader for Home to file counter affidavit with regard to the action taken on the complaint of accused No.1 dated 16.08.2017. On that police registered the present case implicating the petitioners falsely by arranging ID arrack, Ganja and Matka slips in their house.

Learned counsel for the petitioners contended that the quantity of Ganja seized from the petitioners is 1 ½ kg and the same is not a commercial quantity, that too other offences i.e. Gamming Act and APP Act are not serious offences.

After arguing the petition for a while, learned counsel for the petitioners requested to permit the petitioners to surrender before the concerned Court and on such surrender, the Court may decide the bail application on the same day.

Acceding to the request of the learned counsel for the petitioners and considering the material available on record, I deem it

appropriate to decide the criminal petition without touching the merits. Accordingly, the petitioners are permitted to surrender before the Judicial Magistrate of First Class, Dhone, Kurnool District and on such surrender, the concerned Court is directed to decide the application for bail, if any filed, on the same day, subject to giving notice to the learned Public Prosecutor and on hearing the argument of learned Public Prosecutor.

With the above directions, criminal petition is disposed of.

Consequently, miscellaneous petitions, if any, pending in this criminal petition, shall stand closed. No costs.

21.03.2018
Ksp

JUSTICE M. SATYANARAYANA MURTHY

