

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5263 of 2018

ORDER :

It is posted under the caption of dismissal for no representation yesterday for the petitioner/accused. Today, learned counsel for the petitioner represents that no objection already given. Instead of dismissal, the Court wants to take up the matter to decide on merits.

2. Heard learned Public Prosecutor representing the State of Andhra Pradesh and perused the entire material on record.

3. The petitioner is accused of S.C.No.14 of 2018 of Crime No.115 of 2017 of Samalkot Railway Police Station, Rajamahendravaram, East Godavari District, Andhra Pradesh.

4. The above case was registered based on the so called seizure from the disclosure of conscious possession of ganja of 36 Kgs. under Section 8(c) r/w Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substance Act, 1985, amended Act 9 of 2001 (for short 'the Act').

5. A perusal of the material on record no way discloses non-application of Section 37 of the Act for not able to show the twin conditions of reasonable grounds to believe that the accused is not likely to be convicted and he is not likely to commit any offence while on bail, which are the conditions cumulative and needless to say, not alternative.

6. Hence, the criminal petition is dismissed without prejudice to the defence. It is needless to say, as per the directions of the Apex Court in **Thana Singh v. Central Bureau of Narcotics**¹ to speed up the trial of the case by the trial Court.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

5th June 2018.

mar



¹ 2013(2) DCR CrI. 280 (SC)