

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.4686 of 2018

ORDER:

The petitioner is A.6 in Cr.No.18 of 2018 registered by the SHO, Tuni town Police Station, East Godavari District for the offences punishable U/sec.8© r/w 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act,1985 (for short, 'the NDPS Act'), for the occurrence dated 07.02.2018 that on information about illegal transportation of Ganja, the raid party headed by the Station House Officer, Tuni P.S. proceeded to the APSRTC bus Depot, Tuni town and found three female persons and when they tried to skulk away, the raid party apprehended them and on checking their respective bags, they found 10kgs of contraband (ganja) with each of three persons(the A.1 to A.3), however on 19.02.2018 when the SHO along with staff reached RTC complex Tuni and found a person and when he is trying to skulk away on seeing police, they apprehended the person and when checked found 2 Kgs. of contraband.

The contention of the petitioner-A.6 is that only 2 kgs. of ganja (contraband) was seized on 19.02.2018 from the petitioner-A.6) under the cover of panchanama is not a commercial quantity, leave about Section 37 of the NDPS Act has no application as not a commercial quantity the 2kgs. of ganja, the petitioner is innocent and he is falsely implicated in the crime and the learned I Addl.District & Sessions Judge, Rajahmahendravaram went wrong in dismissal of the bail application moved by him in CrI.M.P. No.345 of 2018 on 11.04.2018 and thereby the petitioner is entitled to the concession of bail.

On perusal of the occurrence report and the earlier dismissal order of bail by the learned I Addl.District & Sessions Judge supra and the remand report of the petitioner-A.6 which shows the A.1 to A.3 from whom the contraband of 10kgs. is seized on 07.02.2018 at Tuni APSRTC bus stand

area at about 5.00P.M. or so in the presence of the mediator including Deputy Mandal Tahsildar and collected samples of 50gms, each duly packed the remaining and also the samples affixed of labels, from the disclosure made by the respective accused of they are carrying ganja transporting to Vijayawada for handing over to A.4 and A.5 at the instance of A.4 and A.5 which they purchased from the petitioner-A.6 and further on 19.02.2018 when A.6 is found with 21 kgs. of ganja under cover of mediator nama covered by its seizure from the disclosure of the samples duly packed and sealed also disclosed about the clandestine dealing with the contraband. Once such is the case, it can not be said that he is only concerned with the 2kgs. of contraband that was apprehended from him.

Having regard to the above, the Criminal Petition is dismissed. A perusal of the material on record no way discloses non-application of the limitations in 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.

Consequently, miscellaneous petitions, if any, in this Criminal Petitions shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date:08.06.2018
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