

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**CRIMINAL PETITION No.4705 of 2018****ORDER:**

This Criminal Petition, under Section 438 Cr.P.C., is filed by the petitioner No. 2 to enlarge him on bail in the event of his arrest as he is apprehending arrest in connection with Cr No.15 of 2018 on the file of Proddatur-II Town Police Station, Kadapa District, registered for the offences punishable under Sections 8 (c) r/w 20 (b) (ii) (c) and Sections 28 and 29 of NDPS Act and Sections 3 and 4 of A.P. Gaming Act (Cricket Betting).

The case of prosecution in brief is that on receipt of information about sale of Ganja and Cricket Betting, the Police visited the house of A.1 by name Shaik Sharuq Ahmed after securing Search Warrant and they found and seized 4 Kgs of Ganja, cricket betting slip, 6 cell phones and amount etc., in the possession of A.1 and on interrogation, A.1 confessed that as per the instructions of the present petitioner only, he started indulging cricket betting for earning easy money and to lead luxurious life and after collecting the amount, he was handing over the same to A.2, who in turn give Rs.3,000/- per Rs.1,00,000/- towards his commission and after recording his statement, the police arrested A.1 and registered a case against the accused vide Crime No.15 of 2018 for the offences under Sections 8 (c) r/w 20 (b) (ii) (c) and Sections 28 and 29 of NDPS Act and Sections 3 and 4 of A.P. Gaming Act (Cricket Betting) and issued FIR and entire investigation in this case was completed and the police filed charge.

An identical question came up before the Apex Court in *Satpal Singh v State of Punjab*¹, wherein the Apex Court held that after filing charge sheet, no application for anticipatory bail be entertained and the parties shall approach the trial Court for regular bail and the trial Court has to decide the same on merits.

Here in this case, total quantity of ganja seized from the possession of A.1 is only 4 kgs, which is not a commercial quantity, and based on the confession during investigation, A.1 disclosed the information about sale of ganja and cricket batting, which can be used as evidence. But, at this stage, in view of the law declared by the Apex Court, this Court cannot grant pre-arrest bail to the petitioner. Therefore, the petitioner is permitted to approach the Sessions Court i.e., trial Court, and seek appropriate relief before the trial Court.

Accordingly, this Criminal Petition is disposed of.

Miscellaneous Petition, if any pending, in this case, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

Date: 26-04-2018
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¹ CrI.A.No.463 of 2018

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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