

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5464 of 2018

ORDER :

This criminal petition filed under Sections 437 and 439 Cr.P.C. by the petitioner/A.3 in Crime No.20 of 2017 of Kothakota Police Station, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(c) and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. Heard learned counsel for the petitioner and learned Public Prosecutor, representing the State, and perused the material on record.

3. The petitioner is A.3. As per the charge sheet there are three accused. The learned Special Judge i.e., Metropolitan Sessions Judge-cum-Special Judge for trial of offences under NDPS Act at Visakhapatnam, allotted the Sessions Case No.440 of 2017, within whose jurisdiction the occurrence taken place. The contraband is of commercial quantity. From perusal of the bail application averments, F.I.R. and charge sheet, there is nothing to show that the limitation provided under Section 37 of the NDPS Act no way applicable to the case of the petitioner for entitlement to the concession of bail, in the absence of which even investigation completed or he is in judicial custody since 03.04.2017 is not at all a ground to grant the bail.

4. Accordingly, the criminal petition is dismissed. Need less to say, the learned Sessions Judge shall make every endeavour for early disposal, preferably within six months from the date of receipt of a

copy of this order, as per the directions of the Apex Court in **Thana Singh v. Central Bureau of Narcotics**¹.

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

14th June 2018.

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¹ 2013 (2) DCR CrI.280 (SC)