

HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

CRIMINAL PETITION No.5687 OF 2018

ORDER:

The petitioners are accused Nos.5 and 11 to 14 in Crime No.209 of 2018 of Ananthapuramu I Town Police Station, registered for the offences punishable under Sections 420, 406 and 120-B R/w.34 of I.P.C., Section 9(1) of the A.P. Gaming Act, 1974 (for short, 'the Gaming Act') and Section 8(C) R/w.20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the N.D.P.S. Act').

They sought for anticipatory bail in the above crime. The crime registered is based upon a panchanama of apprehension and disclosure by accused Nos.1 to 4 viz., Achukatla Shameer Basha, Gongeti Venkatarami Reddy, Lalmahammadgari Hasan Vali and Rage Venkata Ramana of Andhra Pradesh and Karnataka States about the alleged involvement in betting under the Gaming Act and possession and supply of narcotic drug or psychotropic substance and having found 4 K.Gs. of dry ganza that was from the disclosure seized from Maruthi Car Swift VDI Car No.AP31 AV 6713, where they were apprehended while proceeding with, also for the offences of criminal breach of trust and cheating with criminal conspiracy and common intention. Leave about the other offences, so far as the offence under Section 8(C) R/w.20(b) of the N.D.P.S. Act concerned, the contraband involved is 4 K.Gs. of ganza which is above small quantity and below commercial quantity punishable up to ten years and with fine up to Rs.1,00,000/- .

The contention of learned counsel for the petitioners is that mandatory provisions of the N.D.P.S. Act not followed and the so called disclosure of those persons not suffice to implicate the petitioners, who

are not admittedly present from whom the contraband is seized, and it is a false implication; thereby, they are entitled to the concession of anticipatory bail.

Learned Public Prosecutor opposed the bail application saying there is a *prima-facie* accusation and a perusal of the panchanama shows observance of the formalities required including of intimation about the right of search before the gazetted officer or Magistrate; leave about no contraband from the person of the accused seized but for from their disclosure from the baggage/covers kept in the car.

Having regard to the above and by taking consideration of these facts, particularly from the involvement of 4 K.Gs. contraband, though below commercial quantity, for not a case of exceptional circumstance to consider the anticipatory bail, this Criminal Petition is dismissed, which is without prejudice to the liberty to move for regular bail, if any, to decide on own merits.

In consequence, miscellaneous petitions, if any, pending in this Petition shall stand dismissed.

Dr. B.SIVA SANKARA RAO, J

Date: 26.06.2018.
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