

HONOURABLE DR. JUSTICE SIVA SANKARA RAO

CRIMINAL PETITION NO. 5659 OF 2018

ORDER:

The petitioner is A-8 in Crime No. 171 of 2017 of Police Station Bhavanipuram, Vijayawada city, for the offences punishable under 8 {c} read with section 20 {b}, [ii] {c} of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The crime was registered and he was taken to judicial custody and thereafter on 06/9/2017 from the disclosure of the co-accused, contraband supplied by the petitioner herein was seized.

3. Heard the counsel for the petitioner and learned Public Prosecutor representing the State.

4. It is the contention of the counsel for the petitioner that there is nothing seized from him, no presumption under section 54 and 35 of the Act are applicable, mandatory requirements of the Act are not followed and he is languishing in jail since 06/9/2017 and he is entitled to the concession of bail and the dismissal of the bail petition by the learned Metropolitan Sessions Judge, Vijayawada, on 28/2/2018 in CrI.MP.No. 365 of 2018 is erroneous and out come of non-consideration of the material showing his innocence.

5. Learned Public Prosecutor opposed the bail application saying that there is nothing to show that the limitations provided by Section 37 of the Act are not applicable to the concession of

bail, which is mandatory for the Court to consider hence to dismiss.

6. The record shows that he is involved in more than three cases, the contraband involved is of commercial quantity. Suffice it to say that there is nothing to show that he may not involve in another crime, which is one of the cumulative twin requirements for grant of bail. Leave about admissibility, relevancy and ultimate proof of the disclosure statement of the co-accused binding him which are matters for trial.

7. Having regard to the above, bail application is dismissed, as rightly concluded by the learned Sessions Judge in dismissing the bail application earlier. However, it is by virtue of the expression directed the learned Sessions Judge to complete the trial within five months from the date of receipt of a copy of this order, as per the expression of the Apex Court in **THARA SINGH V/s. CENTRAL BUREAU OF NARCOTICS**¹.

8. As a sequel, miscellaneous petitions if any, pending in this bail application shall stand closed.

Dr. JUSTICE B. SIVA SANKARA RAO.

27/06/2018
I s L

¹) 2013 [2] DCR [CRIMINAL] 280 [S.C.]

HONOURABLE DR. JUSTICE SIVA SANKARA RAO



CRIMINAL PETITION NO. 5659 OF 2018

Circulation No. 37
Date 27/06/2018.
Court Master : I s L.