

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5761 of 2018

ORDER :

This criminal petition filed under Section 438 Cr.P.C. by the petitioner. The petitioner is A.2 in S.C.No.2 of 2018 on the file of the I Additional Sessions Judge, Srikakulam, arising out of Crime No.61 of 2015 of Meliaputti Police Station of Srikakulam District, registered for the offence punishable under Section 8(c) read with 20(b)(i) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'). There is non-bailable warrant (NBW) pending against the petitioner after taking cognizance by the Special Judge for the offence even against him.

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

3. The petitioner earlier went unsuccessful in moving an anticipatory bail vide dismissal order in CrI.P.No.4671 of 2018, dated 27.04.2018. There it is clearly observed that without consideration of the application or non-application of the limitations for bail under Section 37 of the NDPS Act, from the quantity involved is commercial, there shall be no entitlement of the bail and so far as anticipatory bail concerned, it is in this regard observed in **Satpal Singh v. State of Punjab**¹ of the Apex Court.

¹ CrI.A.No.462 of 2018

4. In view of that observation, the criminal petition for anticipatory bail again sought is dismissed. No doubt, the petitioner is at liberty to surrender and move for regular bail to decide on own merits if at all.

Miscellaneous petitions pending, if any, shall stand closed.

29th June 2018.

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Dr. B. SIVA SANKARA RAO, J

