

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5794 of 2018

ORDER :

The petitioners are A3 and A6 of Crime No.90 of 2017 of Kirlampudi PS of East Godavari District punishable for the offences under Section 8(c) r/w 20(b)(ii)(c) of NDPS Act. Total seven persons as per the seizure panchanama covered by remand report averments of A1 and A2 and later of A3 and A6, who are the petitioners herein respectively, in the interior area of Visakhapatnam District, Rayavaram Agency, all purchased about 80 Kgs., of Ganja for Rs.63,000/- and packed two kgs., each into 40 packets and kept 8 packets in the carry bag of A1 and 7 packets in the carry bag of A2 and 25 packets in five packets of A3 to A5 each five and left there in auto to Tuni RTC Bus Stand where they slept in the night of 27.06.2017 and boarded Yeleswaram bus in the early hours reached Yerravaram centre, got down there, and the entire contraband with baggage kept in the watch at burial ground area with A1 and A2 others went for bathing and in the meantime police apprehended them and from their disclosure seized the contraband.

It shows, as pointed out by the dismissal bail order by the learned Sessions Judge in the CrI.M.P.No.296 of 2018 dated 21.03.2018 para 8, of *prima facie* accusation. Even from the present bail application averments, there is nothing that could be shown that the twin requirements from the limitations laid down

in Section 37 of the NDPS Act have no application. Thereby, the petitioners are not entitled to the concession of bail.

Hence, the criminal petition is dismissed. Need less to say, the learned Sessions Judge shall make every endeavour for early disposal, preferably within five 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.

June 14, 2018
LMV

JUSTICE Dr. B. SIVA SANKARA RAO



¹ 2013 (2) DCR CrI.280 (SC)