

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.5936 of 2018

ORDER :

This criminal petition is filed under Section 438 Cr.P.C. by the petitioner/A.2 in Crime No.53 of 2018 of Kerameri Police Station, Kumrambheem Asifabad District.

2. The crime is registered for the offence punishable under Sections 20, 32 and 8(C) r/w.20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'). The alleged contraband is a ganja, said to be in the conscious possession of the petitioner of about 2 kgs. from the very remand report and panchanama. On suspicion, the police found two persons carrying a bag one fled away and the other, who is A.1, when intercepted and intimated about his right to be search of the bag before Gazetted Officer and secured the Tahasildar, when questioned by Tahasildar, disclosed about he cultivated the ganja by raising ganja plants and the petitioner/A.2 agreed to purchase 2 kgs. for Rs.3,000/- and paid the advance and he brought it to hand over to A.2 the said 2 kgs. of ganja and in the meantime intercepted.

3. The contention of the learned counsel for the petitioner is that the confession of a co-accused is not admissible permissible and is hit by Section 25 of the Indian Evidence Act, 1872. It is in fact covered by Section 67 of the NDPS Act. Further, a constructed portion is also a conscious possession under Section 54 of the NDPS Act. Leave it

as it is, A.1 was granted regular bail, however that is not a consideration for grant of anticipatory bail to the petitioner, but for if at all to apply after surrender for regular bail.

4. Accordingly, the criminal petition is dismissed

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

5th July 2018.

mar

