

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.6461 of 2018

ORDER :

The petitioner, who is A2 in Crime No.68 of 2017 of Unguturu Police Station, Vijayawada, filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in the above crime, registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').

2. The above crime is registered for the alleged conscious possession of 80 packets of ganja, total 160 kgs. The petitioner is the driver of the car and he went unsuccessful in the earlier bail applications.

3. The contentions of the learned counsel for the petitioner are that the health of father of petitioner is in a bad condition and produced a certificate to that effect issued by the Casualty Medical Officer, Osmania General Hospital, Hyderabad, dated 02.01.2018; that he is innocent and falsely implicated and that he, being the driver of the vehicle has no knowledge about the contraband is ganja and thereby, he is entitled to the concession of bail, leave about the fact that A1 was granted bail.

4. The learned Public Prosecutor opposed the bail application.

5. Heard and perused the material on record.

6. From the conscious possession with guilty state of mind, which are the presumptions under Sections 54 and 35 of the Act and from the contraband is a commercial quantity, there is nothing to say that the twin limitations of cumulative requirement of not likely to be convicted and may not commit another offence when not made out, there is a bar for grant of bail and the mere fact that the petitioner is in judicial custody or his father is suffering from ailments may not outweigh much less to grant a bail, leave about no order of A1 granted bail was produced and even his application for regular bail ended in dismissal in CrI.P.No.1292 of 2018 vide order dated 15.02.2018 by another Bench of this Court at para-4 though about his contention not finding much less to note of A1 granted bail. Even if the petitioner claims if at all as a special ground, leave about that cannot be a concession of he is suffering from AIDS

7. Accordingly, the Criminal Petition is dismissed.

8. Consequently, miscellaneous petitions, if any shall stand closed.

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Dr. B. SIVA SANKARA RAO, J

Date: 02-07-2018

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