

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

Criminal Petition No.7276 OF 2018

ORDER:

The petitioner is A4 among five accused in Crime No.196 of 2018 on the file of Chillakur Police Station, SPSR Nellore District. The crime is registered on 10.06.2018 for the offences punishable under Section 8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act').

2. A perusal of the crime registered from the Panchanama dated 10.06.2018 under the cover of mediators from the apprehension of A1, A2 & A3 by names Velu Pandyan Uday, Noor Nazeer Basha and Noor Madar Bee respectively and questioned on suspension, from their disclosure seized from their baggage ganja of 2.220 grams, 2.235 grams, 2.215 grams and 2.2615 grams totalling to about 8.5 kgs. They also made a disclosure of petitioner-A4 is the person at whose instance they were carrying the contrabond supra and the same was seized after duly weighed and collected the samples, duly packed and sealed under the Panchanama and submitted to custody. The petitioner went unsuccessful in seeking anticipatory bail in Crl.M.P.No.226 of 2018 dated 02.07.2018 passed by the learned I Additional District & Sessions Judge, Nellore. It is with the observation that he is not entitled to the concession of bail as what A1 to A3 found in transporting ganja supra from their disclosure is at his

instance as main perpetrator. The petitioner is now seeking anticipatory bail before this Court.

3. Heard the learned counsel for petitioner and the learned Public Prosecutor representing the State of Andhra Pradesh and perused the material on record.

4. It is the submission of learned counsel for petitioner-A4 during the course of hearing that A1 to A3 who were arrested were later enlarged on regular bail.

5. Learned Public Prosecutor opposed the anticipatory bail application of A4.

6. A perusal of the case diary no way shows any previous record against the petitioner involved in similar case and the rider of twin requirements from the bar for bail under Section 37 of the Act has no application for the ganja seized from the accused persons from the disclosure supra from their baggage is far below the commercial quantity of 20 kgs. However, it is not a case for anticipatory bail, but for to get similar concession of A1 to A3 by surrender before the learned Special Judge concerned.

With the above observations, this Criminal Petition is disposed of rather than dismissal.

Dr. B. SIVA SANKARA RAO, J

02.08.2018
MVA