

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.7370 of 2018

ORDER :

This criminal petition is filed under Sections 437 and 439 Cr.P.C. by the petitioner/A.3 in Crime No.35 of 2017 of Rajanagaram Police Station, Rajamahendravaram District. The crime is registered for the offence 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'). The petitioner is A.3 among five accused and he was arrested and he is in judicial since 10.06.2017 and the police filed the final report.

2. Heard learned counsel for the petitioner and learned Public Prosecutor, representing the State, and perused the bail application averments and the charge sheet filed by the police after investigation and earlier the petitioner went unsuccessful in CrI.M.P.No.833 of 2018 before the learned I Additional Sessions Judge, East Godavari at Rajamahendravaram, vide dismissal order, dated 04.07.2018.

3. The contention of the learned counsel for the petitioner is that the confession of a co-accused is not admissible 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.

4. In fact, the limitations from the involvement of the commercial quantity of 1258 kgs. even from the case of the prosecution shown the

petitioner is one of those persons loaded the 74 bags of ganja in the vehicle with conscious knowledge, for nothing to show that the case may not end in conviction with all reasonable probability from the prosecution material as a pre-requisite to the entitlement of bail, leave about the other condition of may not likely to commit any other offence. Thereby, as concluded in the earlier expressions supra, the petitioner is not entitled to the concession of bail.

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

24th July 2018.

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Dr. B. SIVA SANKARA RAO, J

¹ 2013 (2) DCR CrI.280 (SC)