

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

CRIMINAL PETITION Nos.7705 and 7710 of 2018

COMMON ORDER:

Heard the learned counsel for the petitioner, who is A4 and A3 in respective Crime No.790 of 2015 of Narsipatnam Prohibition and Excise Police Station, Visakhapatnam and NSC No.174 of 2016 on the file of Metropolitan Sessions Judge-cum-Special Judge for the Trial of Offences under NDPS Act and the learned Public Prosecutor representing the State.

2. The above crimes are registered for the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'the Act'), based on the so called seizure from the disclosure of conscious possession of the contraband of 1640 kgs. and 19 mica bags of ganja respectively.

3. A perusal of the material on record no way discloses non-application of Section 37 of the Act for not able to show the twin conditions of reasonable grounds to believe that the accused is not likely to be convicted and he is not likely to commit any offence while on bail, which are the conditions cumulative and needless to say, not alternative.

4. Hence, the Criminal Petition is dismissed without prejudice to the defence. It is needless to say, as per the directions of the

Apex Court in *Thana Singh v. Central Bureau of Narcotics*¹ to speed up the trial of the case by the trial Court and dispose of the same within a period of three months from the date of receipt of copy of this order.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date:07.08.2018
pab



¹ 2013(2) DCR CrI. 280 (SC)