HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8372 of 2018

ORDER:

The petitioner, who is A1 filed the present application under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in Crime No.18 of 2017 on the file of K.D.Peta Police Station, Visakhapatnam District, registered for the offences punishable under Sections 20(b)(ii)(c), 25 r/w 8(c) of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'the Act')

2. Heard learned counsel for the petitioner and learned Public Prosecutor representing the State.

3. The petitioner is in judicial custody since 02.05.2017 when the crime is detected and registered. It is from the panchanama proceedings showing on 02.05.2017 at about 4 p.m. on some information of illegal transport of ganja while conducting vehicular checking at Chodayam Centre, found a person proceeding on bike with white colour gunny bag and on seeing police, when tried to skulk away, he was caught hold of and two minutes later, one white colour car came to the spot and driver of the vehicle on seeing police at the centre, tried to escape and so caught hold of besides driver, there is another person in the car and there are seven white colour gunny bags, which are on the back side of the car (dicky), 15 packets were duly taped and found therein ganja leaves totals about 210 kgs (sic 240 kgs.). The accused also made the disclosures regarding the contraband that was seized under cover of panchanama. The petitioner earlier went unsuccessful in

seeking regular bail from the contraband involved is of commercial quantity and he could not show no likelihood of conviction and as one of the prime of the twin requirements for grant of bail under Section 37 of the Act vide Crl.MP.No.1745 of 2017 dated 06.07.2017.

4. The present application is with contest that even after 180 days lapsed, without any extension of period, no charge sheet filed and thereby, entitled to the concession of regular bail. In fact, police filed charge sheet as can be seen from the prosecution material on 12.07.2017 and Sessions Case number allotted in 2017 itself as N.S.C.No.549 of 2017. The mere fact that the accused is in judicial incarnation since 02.05.2017 itself is not a ground, when there is a bar to the grant of bail under Section 37 of the Act. Hence, the petitioner is not entitled to the concession of bail, but for, to the earlier disposal of the case.

5. Accordingly, the Criminal Petition is dismissed. It is needless to say, as per the directions of the Apex Court in Thana Singh v. Central Bureau of Narcotics[1], the learned Sessions Judge concerned is directed to speed up the trial of the case and dispose of the same within a period of five months from the date of receipt of copy of this order.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date:21.08.2018
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[1] 2013(2) DCR Crl. 280 (SC)