

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8933 of 2018

ORDER :

This criminal petition filed under Sections 437 and 439 Cr.P.C. by the petitioner/A.3 in Crime No.77 of 2017 of V.Madugula Police Station, Visakhapatnam District, registered for the offence under Section 8(c) r/w Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substance Act, 1985, amended Act 9 of 2001 (for short 'the Act') on the so-called seizure of 140 kgs. of ganja by interception of the vehicle on 30.08.2017 from the disclosure of carrying contraband.

2. Heard learned counsel for the petitioner and learned Public Prosecutor representing the State and perused the entire material on record.

3. The petitioner went unsuccessful in seeking regular bail, having in custody since 30.08.2018, before the learned Sessions Judge in CrI.M.P.No.3516 of 2017, dated 14.12.2017. Later he moved this application saying investigation completed and the police filed the charge sheet, hence, he is entitled to the concession of bail.

4. 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. Once such is the case, even filing of charge sheet or the accused is in long incarnation, not at all a ground to grant 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 four (4) 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.

30th August 2018.

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Dr. B. SIVA SANKARA RAO, J



¹ 2013 (2) DCR CrI.280 (SC)