

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.8937 of 2018

ORDER :

This criminal petition filed under Sections 437 and 439 Cr.P.C. by the petitioner/accused in Crime No.43 of 2018 of Visakhapatnam-IV Prohibition and Excise Station, Visakhapatnam, registered for the offence under Section 8(c) r/w Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substance Act, 1985, (for short 'the Act').

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

3. The above case was registered based on the so called seizure from the disclosure of conscious possession of ganja of 27 Kgs. in three bags. Earlier the petitioner went unsuccessful in CrI.M.P.No.1535 of 2018 before the learned Metropolitan Sessions Judge-cum-Special Judge for Trial of Offences under NDPS Act, Visakhapatnam, vide dismissal order, dated 17.07.2018.

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.

5. Accordingly, the criminal petition is disposed of without prejudice to defence. Need less to say, as per the learned Special Assistant Public Prosecutor charge sheet is already filed before the Special Court, the learned Sessions Judge shall make every endeavour for early disposal, preferably within three (3) 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.

11th October 2018.
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Dr. B. SIVA SANKARA RAO, J



¹ 2013 (2) DCR CrI.280 (SC)