

HON' BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO
CRIMINAL PETITION Nos.10126 and 10152 of 2018

COMMON ORDER:

The petitioner herein, by name, Bal Rajender, S/o Ravindher, coolie, R/o Donkarai Village, East Godavari District, is arrayed as A7 in Crime No.24 of 2017 and as A5 in Crime No.23 of 2017 on the file of Chinturu Police Station, East Godavari District, registered for the offences punishable under Sections 8(c) r/ w 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act (for short 'the Act').

2. There are seven or more accused in both the crimes and the police filed charge sheets other than against those in abscondance. The petitioner herein is shown in abscondance, thereby, no charge sheet filed against him and it is mentioned that after apprehension, a separate charge sheet is being filed against the accused. The learned Sessions Judge for the Special Court taken cognizance and trial conducted against those charged accused concerned including from framing of charges after hearing by following the formalities, as S.C.Nos.134 and 135 of 2017. The petitioner is now seeking anticipatory bail in both the crimes.

3. As per the latest expression of the Apex Court in Satpal Singh v. State of Punjab in CrI.A. No.462 of 2018 S.L.P. (CrI) No.8184 of 2017, dated 27.03.2018, no anticipatory bail can

be granted without considering how far the riders under Section 37 of the Act are applicable, thereby, there is a bar for grant of anticipatory bail in these two crimes covered by the present criminal petitions, more particularly, from the quantity involved is commercial, that too, even taken for argument sake, it is based on the disclosure statements of the co-accused. It is premature to make any observation as to said disclosure statements given by the co-accused already faced trial and the petitioner yet to face trial if at all on that material whether Section 30 of the Evidence Act is applicable or not, more particularly, when there is no bar to the application under Section 67 of the Act.

4. Having regard to the above, it is left open to the petitioner to surrender and if at all to raise whatever the available defences including for any bail application to consider on own merits.

5. Accordingly, the Criminal Petitions are dismissed, without prejudice to the available defences or any such available recourse if at all.

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

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 01.10.2018
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