

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11821 OF 2018

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.3 for grant of bail in connection with Crime No.15 of 2018 of Dutcherthi Police Station, East Godavari District, registered for the offence punishable under Section 18 (c), 20 (b) (ii) (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. Heard the learned counsel for the petitioner/accused No.3, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. Learned counsel for the petitioner/accused No.3 would submit that this petitioner/accused No.3 is only Driver of vehicle bearing No.OR-18-C-8948, in which Ganja was being transported; that the petitioner is not aware of the contents of the lorry; that the petitioner is not responsible for the alleged transportation of Ganja; that the petitioner is falsely implicated in this case and he is having wife and children and ultimately prayed to allow the bail application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused No.3 contending that this petitioner/accused No.3 along with other accused loaded Ganja bags into the lorry and ultimately prayed to dismiss the bail application.

5. As per the material placed on record, this petitioner/accused No.3 was Driver of the subject vehicle and the same was found transporting 22 bags of Ganja, each bag containing 32 kgs., total 704 kgs. The same was seized under the cover of panchanama on 03.07.2018 at 11:30 AM. There is a specific allegation that this petitioner/accused No.3 along with other accused had loaded Ganja bags into the said lorry. Having regard to the same, it cannot be said that the petitioner/accused 3 has no knowledge about transportation of Ganja by the subject vehicle. The Ganja seized is of commercial quantity and the allegations are given. Therefore, it cannot be held that the petitioner/accused No.3 is innocent and falsely implicated in this case. Further, it cannot be held that the petitioner/accused No.3 would not commit similar offence in future in the event of grant of bail to him. Therefore, the Criminal Petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

DR.JUSTICE SHAMEEM AKTHER

NOVEMBER 15, 2018

YVL

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER



CRIMINAL PETITION No.11821 OF 2018

Date: 15.11.2018

YVL