

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11783 OF 2018

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A.1, for grant of bail in N.S.C.No.293 of 2018 in File No.DRI/HZU/VRU/48/ENQ-04 (INT-04)/2017 of Directorate Revenue Intelligence, Regional Office, Visakhapatnam pending on the file of the Metropolitan Sessions Judge-cum-I Additional District Judge-cum-Special Judge for the Trial of the offences under the NDPS Act, Visakhapatnam District.

2. Heard the learned counsel for the petitioner/A.1 and the learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The learned counsel for the petitioner/A.1 would contend that the petitioner/A.1 was the driver of the lorry bearing No.AP04X 7219. He was not aware of the transportation of ganja by A.3. A.2 is the owner of the vehicle, who is responsible for the engagement of the said lorry and transportation of ganja. The petitioner is a poor man and he is eaking out his livelihood by driving the lorry. There is no *prima facie* case against him and ultimately, prayed to allow the petition.

4. The learned Additional Public Prosecutor for the State opposed the grant of bail to the petitioner/A.1 and contended that A.1 had confessed the commission of offence in this case. The search and seizure are in accordance with the procedure established under law. The quantity seized is commercial quantity and ultimately, prayed to dismiss the petition.

5. As per the submissions and the material placed on record, 603 kgs of ganja containing in 300 packets was seized on

03.12.2007 from lorry bearing No.AP04X 7219. The petitioner/A.1 was found driving the said lorry. There is also confession of the petitioner/A.1 that he has knowledge of loading and transportation of ganja. The quantity seized in the subject case is commercial quantity. The seizure is in accordance with the procedure established. It cannot be said that the petitioner is an innocent person and falsely implicated in this case. Further, it cannot be held that the petitioner/A.1 would not indulge in similar offences in future. The allegations are grave. It is not a fit case to allow the petition.

6. In the result, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Date: 13.11.2018
ssp

DR. SHAMEEM AKTHER, J

