

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.11917 OF 2018

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused No.2 for grant of bail in Crime No.122 of 2018 of Devarapalli Police Station, Visakhapatnam District, registered for the offence punishable under Section 20 (b) (ii) (c) read with 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

3. Learned counsel for the petitioner/accused No.2 would submit that the petitioner was not responsible for transportation of Ganja on 27.09.2018; that a false case is foisted against him and ultimately prayed to allow the bail application.

4. Learned Additional Public Prosecutor opposed the grant of bail to the petitioner/accused No.2.

5. As per the panchanama and the material placed before this Court, this petitioner/accused No.2 was found transporting 200 kgs., of Ganja in Tata Safari vehicle bearing No.AP-28-AZ-8170 and 5 kgs., of Ganja in Scooty and the same was seized under the cover of panchanama in the presence of mediators following the requisite procedure. The specific allegation is that the petitioner/accused No.2 was found in possession of Ganja. Under these circumstances, it cannot be held that the petitioner/accused

No.2 is falsely implicated in this case. In the course of submissions, it is brought to the notice of this Court that this petitioner/accused No.2 also indulged in similar offence in past. In the event of release of petitioner/accused No.2 on bail, he would indulge in similar offence. The Ganja seized is commercial quantity. There- are no justifiable grounds to allow the application.

6. Accordingly, the Criminal Petition is dismissed.

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

DR.JUSTICE SHAMEEM AKTHER

NOVEMBER 23, 2018

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Date: 23.11.2018

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