

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13150 OF 2018

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, for grant of bail in Crime No.136 of 2018 of Excise Police Station, Ghatkesar, registered for the offence punishable under Section 8(c) read with 22(a) of NDPS Act.

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

3. Learned counsel for the petitioner/accused would submit that the petitioner is falsely implicated in this case. The covers examined by the police concerned are not in the name of the petitioner/accused and ultimately, prayed to allow the petition.

4. Learned Additional Public Prosecutor representing the State opposed the grant of bail to the petitioner/accused.

5. As per the material placed on record, on 30.08.2018 around 10.30 A.M., when the petitioner was going by Scooty from Radhika center to Moulali Anupuram colony, Kapra, the Inspector of Police, Excise, Ghatkesar, along with his officials, stopped him and when they searched the Scooty, they found 15 LSD Blots, 2 grams of MDMA drugs and 20 grams of ganja and the same were seized under a cover of panchanama. Thereafter, two parcels came from Netherlands to the address of the petitioner, but the name of the addressee was different from the petitioner. On opening the said parcels in the presence of panchas on 04.09.2018, the police found

56 MDMA and 10.9 grams of international dry ganja and seized the same. Whether those covers are meant for the petitioner/accused or not is a matter of investigation and trial.

6. There is a seizure of 15 LSD Bolts, 2 grams of MDMA drugs and 20 grams of ganja from the possession of the petitioner/accused when the same was being transported by him on 30.08.2018. That apart, it is also brought to the notice of this Court that on earlier occasion, heroin and cocaine were seized from the possession of the petitioner and a criminal case is pending against him. It appears that the petitioner/accused is in the habit of indulging in transportation of narcotics. Hence, it cannot be held that he is an innocent person and falsely implicated in this case. The allegations are grave and specific. The punishment for the alleged offence is stringent. It is not appropriate to enlarge the petitioner on bail. Under these circumstances, the petition is liable to be dismissed.

7. The Criminal Petition is, accordingly, dismissed.

DR. SHAMEEM AKTHER, J

Date: 17.12.2018
ssp