

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13092 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.83 of 2018 of Anakapalli Prohibition and Excise Station, Visakhapatnam, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

3. Learned counsel for the petitioner/A-2 would submit that the petitioner/A-2 is only a coolie and he has nothing to do with the ganja seized in the subject crime and ultimately, prayed to allow this application.

4. On the other hand, the learned Additional Public Prosecutor opposed the grant of bail to the petitioner/A-2 and ultimately, prayed to dismiss the application.

5. As per the material placed before this Court, the petitioner/A-2 indulged in procurement of ganja and he was found in possession of 220 kgs of ganja along with other accused in this case. The same was seized under a cover of panchanama on 12.07.2018. The ganja seized is of commercial quantity. The punishment for the alleged offence is stringent. Under these circumstances, it cannot be concluded that the petitioner/A-2

would not indulge in similar offences in future. The application is devoid of merit and is liable to be dismissed.

6. Accordingly, the Criminal Petition is dismissed.

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

DR.JUSTICE SHAMEEM AKTHER

Date : 18.12.2018
AMD



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