

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.13324 OF 2018

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A-2, for grant of bail in C.O.R.No.112 of 2018 of Prohibition & Excise Station, Yellareddy, Nizamabad District, registered for the offence punishable under Section 8(b) read with 20(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

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

3. Learned counsel for the petitioner/A-2 would contend that due to enmity, the petitioner/A-2 was implicated in this case and he is not responsible for the growth of ganja plants in the land covered in Sy.No.50/७ of Kanchumal Sivaru, Kondapur Gram Panchayat; that the petitioner/A-2 had not taken the said land on lease from his brother and ultimately, prayed to allow this application.

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

5. On 11.10.2018, in an inspection conducted in the land covered by Sy.No.50/७ of Kanchumal Sivaru within the limits of Kondapur Gram Panchayat, 50 ganja plants and 1.2 kgs., of dry ganja were found and the same were seized under a cover of

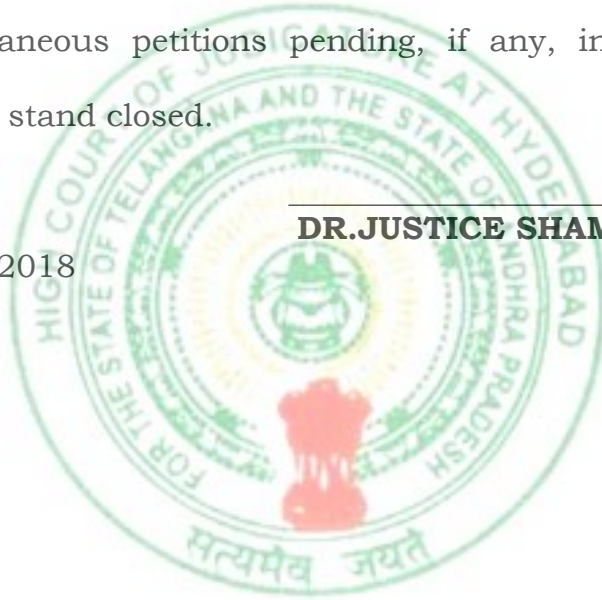
panchanama in the presence of witnesses. As per the statements of the neighbouring cultivators, the petitioner/A-2 took the said land on lease one year back and cultivated ganja therein. There is specific accusation against the petitioner/A-2 on record that he cultivated ganja in the land taken on lease from his brother. It cannot be said that the petitioner/A-2 is falsely implicated in this case. Therefore, it is not appropriate to allow the application under Section 438 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

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

Date : 20.12.2018
AMD

DR.JUSTICE SHAMEEM AKTHER



THE HON'BLE DR.JUSTICE SHAMEEM AKTHER



CRIMINAL PETITION No.13324 OF 2018

Date: 20.12.2018

AMD