

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Petition Nos.12858 and 12826 of 2017

COMMON ORDER:

Since the facts of the case, issue involved and the petitioners in both these applications are the accused in the same crime, both these petitions are being disposed of by this common order.

2. Criminal Petition No.12858 of 2017 is filed by the petitioner/accused No.2; and, Criminal Petition No.12826 of 2017 is filed by petitioner/accused No.3, under Section 439 of Code of Criminal Procedure, 1973, for grant of bail to them in connection with S.C.No.136 of 2017 on the file of the I Additional District and Sessions Judge, Rajamahendravaram, East Godavari District (arising out of Crime No.5 of 2017 of Mothugudem Police Station, East Godavari District registered for the offence punishable under Section 8(c) read with 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985).

3. Heard the learned counsel for the petitioners/accused Nos.2 and 3 in both these petitions, learned Additional Public Prosecutor representing the respondent-State and perused the record.

4. The learned counsel for the petitioners/accused Nos.2 and 3 would submit that the petitioners/accused Nos.2 and 3 are innocent persons and falsely implicated in this case. They were remanded to judicial custody long back. Investigation is

completed and ultimately prayed to allow both these applications.

5. On the other hand, the learned Additional Public Prosecutor opposed for grant of bail to the petitioners/accused Nos.2 and 3.

6. The material on record reveals that on 07.02.2017, on a requisition from Sub Divisional Police Officer, Chittoor, the Sub Inspector of Police and his team intercepted a lorry bearing registration No.AP-07-TU-2869, which was coming from Seeleru side and proceeding towards Bhadrachalam. The petitioners/accused Nos.2 and 3 were found in the said lorry. On interrogation, the petitioners/accused Nos.2 and 3 confessed the commission of offence in this case and pursuant to their confession, 530 kilograms of Ganja was seized from the said lorry, in the presence of mediators, under a cover of panchanama. The petitioner/accused No.2 is the owner-cum-driver of the said lorry. The petitioner/accused No.3 is the cleaner of the said lorry. There is no reason for the police officials to get 530 kilograms of Ganja and foist a false case against the petitioners/accused Nos.2 and 3. In view of the material on record, it cannot be said that the petitioners/accused Nos.2 and 3 are innocent persons and they are falsely implicated in this case. The Ganja seized is of commercial quantity. The matter requires thorough investigation. There is possibility of the petitioners/accused Nos.2 and 3 indulging in similar offence in the event of their release on bail. Further, it cannot be said that there is no *prima facie* case against the petitioners/accused

Nos.2 and 3. Therefore, they are not entitled for bail under Section 439 of Cr.P.C., pending investigation/trial in this case.

7. Hence, both the Criminal Petitions are dismissed.

Miscellaneous petitions, if any, pending in both the Criminal Petitions, shall stand closed.

Dr. SHAMEEM AKTHER, J

03rd January, 2017
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