

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.12535 OF 2017

ORDER:

This petition is filed under Section 439 Cr.P.C. to grant bail to the petitioner-A4 for the offence alleged under Section 8 (c) r/w 20 (b) (ii) (c) of N.D.P.S. Act, 1985.

2. Heard learned counsel for the petitioner-A4, learned Additional Public Prosecutor representing the State and perused the record.

3. The petitioner-A4 along with other accused filed bail applications and the same were dismissed by this Court, vide orders, dated 24.04.2017 and 24.07.2017 in CrI.P.Nos.3010 of 2017 and 3930 of 2017 respectively. The petitioner-A4 again filed the bail application and the same was dismissed by this Court, vide order, dated 12.12.2017 in CrI.P.No.11944 of 2017. While dealing with the applications, it was held that the offence alleged against the petitioner-A4 is serious in nature and it is difficult for the Court to come to a conclusion that the petitioner-A4 did commit no offence and that the petitioner-A4 will commit such offence while on bail. Filing of charge sheet in this case is not change of circumstances. The quantity of ganja seized in the instant case is commercial quantity. It cannot be said that the petitioner-A4 was not in conscious possession of ganja. There is also specific allegation that the petitioner-A4 is a lorry cleaner. There is a *prima facie* case against the petitioner-A4. Therefore, he is not entitled for bail pending trial of the case.

4. Accordingly, the Criminal Petition is dismissed.

DR.SHAMEEM AKTHER, J

DATED: 02-01-2018

Hsd