

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.12475 OF 2017

ORDER:

This Criminal Petition is filed seeking for grant of bail to the petitioner, who is accused No.1, in N.D.P.S. Sessions Case No.138 of 2017 on the file of I Additional District and Sessions Judge, East Godavari district at Rajamahendravaram.

2. The offences alleged are under Section 8(c) R/w.20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the N.D.P.S. Act').

3. Heard the learned counsel for the petitioner, learned Public Prosecutor appearing for the respondent-State, and perused the record.

4. Learned counsel for the petitioner submits that the entire investigation is completed and charge sheet is also filed. But filing of charge sheet does not overcome the hurdle, in view of the law laid down in Section 37 of the Act which does not permit grant of bail when commercial quantity of the contraband is involved, except under the two circumstances; one being that the petitioner does not *prima-facie* appear to be guilty of such offence and the second being that he does not jump bail while being at large. The said circumstances do not appear in this case. The seizure of ganja was proved to be from accused Nos.4 and 5 and the confession statements of the said accused disclose the role played by the petitioner herein. Hence, the petitioner is also liable for the alleged offences along with the other accused for holding the commercial quantity of ganja.

Hence, in the above circumstances, this Court is of the opinion that the petitioner is not entitled for bail. Accordingly, the Criminal Petition is dismissed.

As a sequel, the miscellaneous applications, if any pending, shall stand dismissed.

T. RAJANI, J

Date: 18.01.2018.
Dsh

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