

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER
CRIMINAL PETITION Nos.12474 AND 12857 OF 2017

COMMON ORDER:

These petitions are filed under Section 439 Cr.P.C. to grant bail to the petitioners-A1 and A7 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 petitioners-A1 and A7, learned Additional Public Prosecutor representing the State and perused the record.

3. Learned counsel for the petitioners-A1 and A7 would submit that the petitioners are innocent persons and they were falsely implicated in this case. The petitioners have nothing to do with the alleged seizure of ganja. It is also submitted that nothing was seized from the possession of the petitioner-A7 and ultimately, prayed to allow the applications.

4. On the other hand, learned Additional Public Prosecutor opposed the grant of bail to the petitioners-A1 and A7 contending that the earlier bail application of A1 was dismissed by this Court, vide order, dated 17.11.2017 in CrI.P.No.10910 of 2017. He also contended that the petitioner-A7 is the facilitator of transportation of ganja and ultimately, prayed to dismiss the applications.

5. In view of the contentions put forth by both sides, the point for determination is whether the petitioners-A1 and A7 are entitled for bail under Section 439 Cr.P.C.?

6. As per the record, the earlier bail application of A1 was dismissed by this Court, vide order, dated 17.11.2017 in CrI.P.No.10910 of 2017. While dealing with the bail application of the petitioner-A1, it was stated that 100 Kgs of ganja was seized from the possession of A1 under a cover of panchanama and quantity of ganja seized is a commercial quantity. There is stringent punishment for the said offence. It cannot be said that A1 was falsely implicated in this case. Having regard to the facts and circumstances of the case, the petitioner-A1 is not entitled for bail and his application is liable to be dismissed.

7. Insofar as the petitioner-A7 is concerned, there is record to show that he is procuring and facilitating the other accused to sell ganja. He is also an accused in Cr.Nos.29, 263 and 92 of 2017 of Prathipadu Police Station, East Godavari District. There are specific and grave allegations in the instant crime with regard to arranging vehicles for supply of ganja. Over all 100 Kgs of ganja was seized from the possession of A1 to A3 in the instant crime. There are specific and grave allegations. It cannot be said that the petitioner-A7 is falsely implicated in this case. There is also possibility of the petitioner-A7 repeating the similar offences in future. Therefore, the petitioner-A7 is also not entitled for bail under Section 439 Cr.P.C.

8. Accordingly, both the Criminal Petitions are dismissed.

DR.SHAMEEM AKTHER, J

DATED: 02-01-2018

Hsd