

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.24686 OF 2017

ORDER:

This Criminal Petition is filed seeking for grant of bail to the petitioner, who is accused No.1, in Crime No.171 of 2017 on the file of the S.Kota Police Station, Vizianagaram District.

2. The offences alleged are under Section 8(c) r/w 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act').

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

4. The learned counsel for the petitioner submits that this petitioner was only piloting the vehicle which was carrying ganja, as per the case of the prosecution and hence he cannot be said to be dealing with the ganja. The contraband is much less a commercial quantity. The learned counsel relies on the order dated 13.10.2015 passed by this Court in Criminal Petition No.10514 of 2015, which according to him was rendered in similar factual situation. In that case, the petitioners therein were escorting on a motor cycle in front of the crime vehicle, like the petitioner in this case. But, the other facts show that this petitioner was the person who secured the ganja at the instance of A.2 and A.3.

5. Hence, in view of the above, it cannot be said that this petitioner is not dealing with commercial quantity of ganja, which was seized from the petitioner.

6. The other contention of the learned counsel for the petitioner that this petitioner can be granted bail, as A.4 was already enlarged on bail by this Court in Criminal Petition No.11090 of 2017, who is also the similarly placed person, also cannot be countenanced as this Court granted bail to A.4 in the aforesaid petition, considering the fact that he is a minor as on the date of offence.

7. Accordingly, the Criminal Petition is dismissed. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

Date: 23.01.2018.
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T. RAJANI, J



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Date. 23.01.2018

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