

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.1310 OF 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/accused No.1 for grant of anticipatory bail in the event of his arrest in Crime No.17 of 2019 of Prohibition and Excise Station, Wardhannapet, Warangal District, registered for the offence alleged under Section 8 (c) read with 20 (b) (ii) (A) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard learned counsel for the petitioner/accused No.1 and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. Learned counsel for the petitioner/accused No.1 would submit that on false grounds as well as identification, the petitioner/accused No.1 is apprehending arrest with regard to seizure of subject dry Ganja, weighing about 81 Kgs. and ultimately, prayed to allow the petition.

4. Learned Additional Public Prosecutor would submit that the petitioner/accused No.1 is one among the persons, who ran away on seeing the excise officials after deserting the car bearing No.AP-09-CK-2097, from which, 81 Kgs. of dry Ganja was seized; that the excise officials know the petitioner/accused No.1 and identified him and ultimately, prayed to dismiss the petition.

5. As per the submissions made and the material placed on record, on 21.01.2019, on receiving credible information that dry Ganja is being illegally transported by car bearing No.AP-09-CK-2097, the excise officials conducted a watch and found two persons illegally transporting dry Ganja in the said car. It is alleged that on seeing the excise officials, the said persons deserted the car and ran away. From the said car, the excise officials seized 81 Kgs. of dry Ganja. There is mention in the panchanama conducted on the same day i.e., on 21.01.2019 that the persons, who deserted the car, were identified by the excise officials and they are the petitioner/accused No.1 and accused No.2. Under these circumstances, it cannot be said that a false accusation is made against the petitioner/accused No.1. The Ganja seized is of commercial quantity. The gravity of the offence is high and so also, the imprisonment prescribed for the alleged offence. Hence, it is not a fit case to enlarge the petitioner/accused No.1 on bail under Section 438 Cr.P.C.

6. Accordingly, the Criminal Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

March 13, 2019.
MD

Dr. SHAMEEM AKTHER, J