

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CRIMINAL PETITION No.2113 of 2019

ORDER:

A.1 to A.3 in Crime No.41 of 2019 on the file of Bhadrachalam Town Police Station filed this petition under Sections 437 and 439 Cr.P.C. seeking grant of regular bail. The offence registered against the petitioners-A.1 to A.3 is under Section 8(c) read with Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

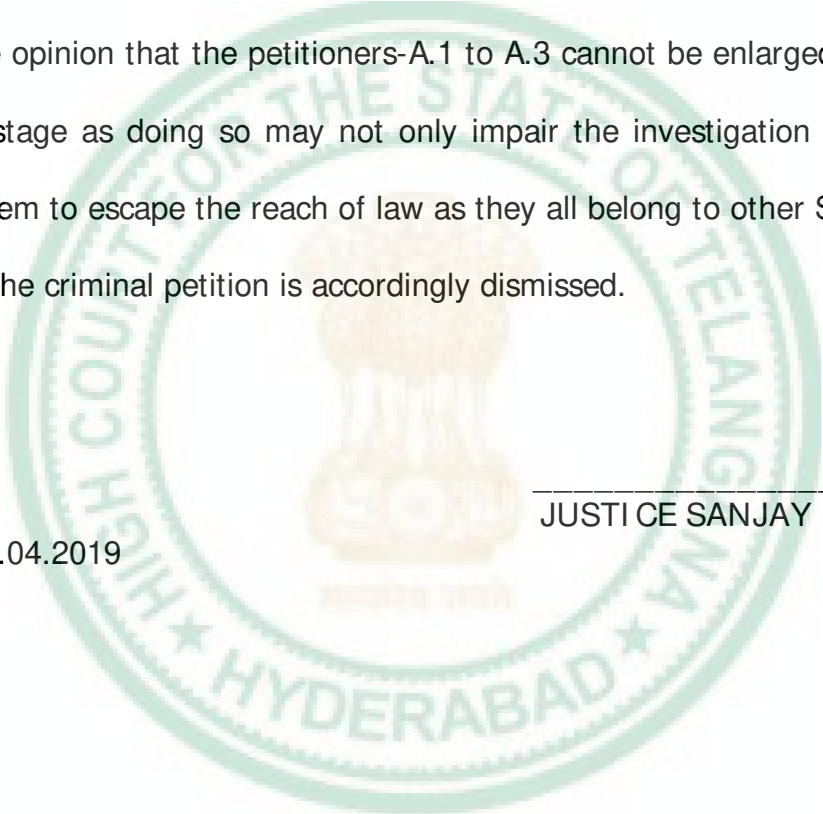
Earlier, the petitioners-A.1 to A.3 along with the other two accused in the case, viz, A.4 and A.5, jointly filed CrI.M.P.No.212 of 2019 before the learned Special Sessions Judge for Trial of Cases under the Narcotic Drugs and Psychotropic Substances Act, 1985-cum-I Additional Sessions Judge, Khammam, seeking regular bail and the said petition was dismissed on 08.03.2019 taking note of the fact that the accused were apprehended while transporting ganja weighing about 80 kgs. in a RTC bus on 02.03.2019. The Sessions Court also took note of the fact that the investigation was still in progress and opined that as the contraband seized was more than the commercial quantity, the petitioners therein, A.1 to A.5 in Crime No.41 of 2019 on the file of Bhadrachalam Town Police Station, were not entitled to regular bail.

Though Sri J.P.Srikanth, learned counsel for the petitioners-A.1 to A.3, would contend that each of the accused were travelling independently and that the total weight of ganja seized should not be attributed to them jointly, the very fact that all of them filed a single bail petition before the Sessions Court clearly shows that they are connected and that they were not individual passengers travelling in the bus. Even before this Court, A.1 to A.3 jointly filed the present bail petition.

Though there may be no bar to the accused in an offence filing a joint bail petition, the fact that they did so would, *prima facie*, indicate that they are not strangers to each other. It is well-nigh possible that the accused in this crime travelled by the same bus by booking separate seats so that the individual quantities of ganja being carried by them would not be in excess of the commercial quantity.

However, given the fact that they were apprehended while carrying ganja to the tune of 80 kgs. and as the learned Assistant Public Prosecutor states that the investigation is yet to be completed, this Court is of the opinion that the petitioners-A.1 to A.3 cannot be enlarged on bail at this stage as doing so may not only impair the investigation but also allow them to escape the reach of law as they all belong to other States.

The criminal petition is accordingly dismissed.



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JUSTICE SANJAY KUMAR

Date:25.04.2019

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