

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.2965 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/A.2 for grant of anticipatory bail in the event of his arrest in Crime No.116 of 2019 of Prohibition and Excise Station, Dhoolpet, Hyderabad, registered for the offence punishable under Section 20 (b) (ii) (B) read with 8 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act').

2. Heard learned counsel for the petitioner/A.2 and the learned Additional Public Prosecutor representing the respondent/State. Perused the record.

3. The case of the prosecution is that on 18.03.2019 at about 9:00 AM, the Sub-Inspector of Police, Prohibition and Excise Station, Dhoolpet, along with his staff while conducting route watch at Bharath Petrol Pump, Jummerath Bazaar, Puranapool, they found one person coming on Honda Activa bearing No.AP-11-AG-5651 along with a black carry bag. The staff intercepted the vehicle and on search, they found three black plastic bags containing ganja provider packets (10), each packet containing 870 grams of ganja and also found one black cover bag containing 143 Ban Goli, each 35 grams. The accused person confessed that the said ganja was supplied to him by the petitioner/A.2. The accused was arrested and property was seized under the cover of panchanama. Basing on the above allegations, the police registered the aforesaid crime against the petitioner/A.2 and others.

4. Learned counsel for the petitioner/A.2 would submit that the petitioner/A.2 did not commit any offence and he is falsely implicated in this case; that the allegations in the complaint do not attract the provisions of Section 20 (b) (ii) (B) read with 8 (c) of the Act; that the alleged ganja was seized from the possession of A.1 only, but not from the petitioner/A.2; that even the entire allegations in the complaint are taken into consideration, no offence is made out against the petitioner/A.2 and hence, he prays to grant anticipatory bail to the petitioner/A.2.

5. Learned Additional public Prosecutor opposed the grant of the bail to the petitioner/A.2.

6. Having regard to the nature of allegations levelled and the gravity of offence alleged against the petitioner/A.2, I am not inclined to release the petitioner/A.2 on anticipatory bail. However, if the petitioner/A.2 surrenders before the Court below within ten (10) days and moves an application for grant of bail, the same shall be decided by the Court below, on merits and in accordance with law, on the same day.

7. With the above direction, the Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

JUSTICE G SRI DEVI

JUNE 17, 2019
YVL



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Date:17.06.2019

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