

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.3664 of 2019

ORDER :

The petitioner/A.1 has filed the present Criminal Petition under Sections 437 and 439 Cr.P.C. seeking enlargement on bail in F.No.DRI/HZU/48D/ENQ-01(INT-01)/2019 on the file of Directorate of Revenue Intelligence, Zonal Unit, Hyderabad, registered against the petitioner and another for the offences punishable under Sections 22, 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "the NDPS Act").

The brief facts of the case are that, on a specific intelligence, on 02.01.2019, at about 23.30 hours, the Officers of Directorate of Revenue Intelligence (DRI), Zonal Unit, Hyderabad, along with a team of Officers and Panchas laid in wait at the Truck Lay-Bye, situated on the road opposite to New Royal Dhaba, Kamareddy Bye-Pass road of Nagpur-Hyderabad Highway, at that time, a car bearing No.AP 09CE 6066 was cited and on intercepting the said vehicle, two persons seated therein, identified themselves as Sri Thalavelma Raju Goud and Sri Goundla Bala Murali Krishna Goud (A.1 and A.2), that on enquiry by the officers, while A.1 replied in negative, the officers asked A.2 in the presence of panchas to open the boot of the said car and upon opening the boot, they noticed two blue coloured HDPE bags and observed that a pungent smell coming from the said

bags, that on enquiry, A.1 admitted that the said bags contain Alprazolam, a Psychotropic Substance under the NDPS Act, and informed that he had taken delivery of Alprazolam in the said bags from one Sri Shankar and that A.2 does not know about the contents of the said bags and he is only assisting him in transporting the same by his brother's vehicle, that they also found another 8 transparent polythene packages, and the net weight of mixture of the said material comes to 40 Kgs of Alprazolam. Accordingly, the above crime was registered against A.1 and A.2 for the aforesaid offences under the NDPS Act.

Learned counsel for the petitioner/A.1 contends that the petitioner is a Congress Party worker and he is innocent of the alleged offences and he has been framed, forced and pressurized in the above crime purely based on the political grudge, that the officials have not followed the provisions of the NDPS Act, particularly the provisions of Sections 35, 42 and 54 of the said Act have not been complied with and non-compliance of the same would vitiate the entire proceedings. The learned counsel would further contend that Article 21 of the Constitution of India specifically provides that every citizen of India has a right to life and liberty. It is further contended that the petitioner is in judicial custody from 03.01.2019 and as per sub-section (4) of Section 36-A of NDPS Act, r/w. Section 167(2) of Cr.P.C., an accused is entitled for a default bail on expiry of 180 days of judicial custody. It is further contended that A.2 in the above crime

has already been released on bail and the petitioner/A.1, who stands on the same footing with that of A.2, is also entitled for grant of bail on the ground of parity.

Learned counsel for the petitioner/A.1 further contends that there is any amount of ambiguity the way investigation is being conducted and the petitioner is a duty bound citizen of the Nation and would support all the officials of law in conducting a proper investigation and unveil the cause of crime. It is also contended that material part of investigation is already completed and the petitioner/A.1 is ready to abide by any conditions imposed by this Court, including assisting the investigating agency in the event of his release on bail in the above crime.

On the other hand, the learned Special Public Prosecutor appearing for respondent-DRI filed counter opposing the relief sought in the above bail application stating that the record shows that a *prima-facie* case is made against the petitioner/A.1 under the provisions of the NDPS Act and after considering the material facts available on record, earlier bail application filed by the petitioner was dismissed by this Court vide order dt.30.06.2019 in Crl.P.No.2873 of 2019 and that no new grounds have been raised by the petitioner in the present application for his release on bail. He further contended that though the petitioner/A.1 contends that he was falsely implicated in the above crime, no cogent reasons have been assigned and no evidence is brought on record to show that the petitioner/A.1 is free of guilt. It is also

contended that if the petitioner/A.1 is released on bail, he may tamper with the evidence and may hamper the progress of investigation. He further contends that since huge quantity of substance has been recovered from the possession of the petitioner/A.1, he is not entitled for grant of bail. He, however, ensured that the trial will be commenced within a short period and would be completed as early as possible from the date of commencement.

Heard learned counsel for the petitioner/A.1 and the learned Special Public Prosecutor appearing for the respondent-Directorate of Revenue Intelligence.

Admittedly, huge quantity of Alprazolam weighing about 40 Kgs, which is more than the commercial quantity, was seized from the possession of the petitioner/A.1. Further, earlier bail application of the petitioner has already been dismissed by this Court on merits vide order dt.30.06.2019 in Crl.P.No.2873 of 2019 and that no new grounds whatsoever have been urged in the present bail application and hence the petitioner is not entitled for grant of bail. Further, as the prosecution has ensured that the trial will be commenced shortly and would be concluded as early as possible, the trial Court is directed to commence the trial as early as possible and conclude the same within a period of four (4) months from the date of receipt of a copy of this order.

Accordingly, this Criminal Petition is disposed of.

As a sequel, miscellaneous petitions pending, if any,
shall stand closed.

JUSTICE G. SRI DEVI

15.07.2019.
Msr



HON'BLE JUSTICE G. SRI DEVI

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15.07.2016
Msr