

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.4697 of 2019

ORDER:

The petitioner-A1 filed the present application under Section 439 of the Code of Criminal Procedure, seeking to grant bail to him in S.C.No.679 of 2018 on the file of the Metropolitan Sessions Judge, Hyderabad, registered for the offences under Sections 20(b)(ii)(c), 28 and 29 of NDPS Act.

2. It is alleged in the remand report that on 19.03.2018, at 4.30 hours, the police officials found a car bearing No.AP 31-TA-4249, driven by petitioner/A1, and on examination, they found 542.653 Kgs of dry ganja in 109 packages wrapped in transparent polythene cover, worth Rs.81,39,795/-.

3. Learned counsel for the petitioner/A1 submits that the petitioner is a permanent resident of Visakhapatnam and he has been falsely implicated in this case while driving the aforesaid vehicle. He further submits that the petitioner is a law abiding citizen and he is no way concerned with the alleged offences and that he is ready to abide by any condition imposed by this Court. He further submits that the petitioner is only the bread winner of his family and therefore, he requested to consider the bail application of the petitioner/A1.

4. On the other hand, learned Additional Public Prosecutor submits that the petitioner is a habitual offender as he was involved in similar type of cases and enlarged on bail and whenever he is apprehended, he used to take the plea that he is only the driver of the vehicle. He further submits that the trial has already been commenced and only seven witnesses have to be examined and the prosecution is ready to conclude the trial within short time. He further submits that if the petitioner is enlarged on bail at this stage, it would be difficult to secure his presence during trial. He also submits that huge quantity of ganja was seized from the possession of the petitioner/A1 and therefore, he is not entitled to be released on bail.

5. As seen from the record, the petitioner was apprehended with huge quantity of ganja i.e., 542.653 Kgs., while transporting in the aforesaid vehicle at Tarnaka, Hyderabad, without having any valid licence and that he used to stay at Karimnagar. Moreover, it is also informed by the learned Additional Public Prosecutor that charges were framed against the accused and the case itself is ripen for trial. Thus, in view of the gravity of the offence and the nature of allegations levelled against the petitioner, I am not inclined to grant bail to him and accordingly, his prayer for bail is rejected. However, as the case is already ripen for trial, it would be appropriate to direct the trial Court to dispose of the case as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order.

6. With the aforesaid direction, the Criminal Petition is disposed of.

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

G. SRI DEVI, J

20th August, 2019

sj

