

HON'BLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5116 of 2019

ORDER:

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner, who is A.2, seeking anticipatory bail in S.C. NDPS No.746 of 2017 on the file of Metropolitan Sessions Judge, Hyderabad, in Crime No.185 of 2017 of Mangalhat Police Station, Hyderabad, registered for the offence punishable under Section 8(c) r/w. Section 20(b) of NDPS Act.

The case of the prosecution is that on 05.08.2017, while the police are performing area patrolling at Balramgally, Mangalhat, A.1 was apprehended with 1.2 Kg. of ganja, which was supplied by the petitioner/A.2.

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

Learned counsel for the petitioner contends that except the statement of A.1 that he has purchased ganja from the petitioner/A.2, there is no evidence that the petitioner has sold the above ganja to A.1. It is contended that immediately after arrest of A.1 at Dhoolpet area and disclosing the name of A.2, the complainant never tried to arrest the petitioner within a reasonable time and shown the petitioner as absconding. It is also contended that the petitioner never involved in the above crime of selling ganja illegally and she is

innocent of the alleged offences and that the respondent police have wantonly and deliberately implicated the petitioner in the above crime. It is contended that the petitioner is ready to abide by any of the conditions imposed by this Court and would cooperate with the investigation, if she is released on anticipatory bail in the event of her arrest in connection with the aforesaid crime.

On the other hand, the learned Additional Public Prosecutor vehemently opposed the relief sought in the above petition contending that the petitioner is a habitual offender and she is involved in as many as four cases of similar nature of supplying ganja, viz., Crime No.134 of 2017, Crime No.141 of 2017, Crime No.185 of 2017 and Crime No.17 of 2018, all pertaining to Mangalhat Police Station, Hyderabad, and she is absconding since 05.08.2017 and hence the petitioner is not entitled for grant of anticipatory bail.

As seen from the nature of allegations made and also involvement of the petitioner in similar type of offences since 2017 onwards, I am not inclined to grant anticipatory bail to the petitioner/A.2.

Accordingly, this Criminal Petition is dismissed.

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

JUSTICE G. SRI DEVI

16.09.2019.
Msr

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Msr