

CRIMINAL PETITION No.5209 of 2019

ORDER :

This Criminal Petition under Section 438 of Cr.P.C. is filed by the petitioner, who is A.3, seeking anticipatory bail in Crime No.147 of 2019 of Tallada Police Station, Khammam District, registered for the offence punishable under Section 8(c) r/w. Section 20(b) of NDPS Act, 1985.

The case of the prosecution is that on 01.07.2019, while the police are conducting vehicle checking near N.T.R. Colony, Tallada, they apprehended A.1 and A.2, who are in possession of huge quantity of dry ganja, and also seized Swift Car and Chevrolet Enjoy Car used in transporting the said ganja, that during interrogation, they have confessed about involvement of the petitioner/A.3 along with other accused.

Heard learned counsel for the petitioner/A.3 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 confessional statements of A.1 and A.2, there is no evidence that the petitioner is involved in the above crime and nothing has been recovered from him. It is also contended that the petitioner never involved in the above crime of selling ganja illegally and he is innocent of the alleged offences and that the respondent police have wantonly and deliberately

implicated the petitioner in the above crime due to political rivalry. 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 he is released on anticipatory bail in the event of his 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 he is involved in so many similar type of offences of selling ganja and he is absconding for a long time 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 for a long time, I am not inclined to grant anticipatory bail to the petitioner/A.3.

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

HON'BLE JUSTICE G. SRI DEVI

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Msr