

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.5538 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by petitioner/A3, seeking to grant anticipatory bail in C.O.R.No.357 of 2019 on the file of Excise Police Station, Dhoolpet, Hyderabad, registered for the offence under Section 8(c) read with Section 20(b)(ii)b) of NDPS Act, 1985.

2. Heard learned counsel for the petitioner/A3, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. It is alleged in the complaint that on 12.06.2019 at about 4.00 PM., on receipt of credible information, the Prohibition and Excise Inspector along with the staff of ESTF, Hyderabad, reached the house bearing No.14-11-489, situated at Mangalhat, Dhoolpet, Hyderabad, belonging to A1, and found 2 Kgs of dry ganja in yellow plastic cover and an amount of Rs.13,500/- in blue colour bag and they seized the same under a cover of panchanama, and on enquiry, A1 confessed that A3 gave the said contraband for the purpose of sale.

4. Learned counsel for the petitioner/A3 submits that the petitioner is a physically handicapped person and he cannot move freely from one place to another for doing business and he has been falsely implicated in this case. He further submits that A1 has already been enlarged on bail. He further submits that the Excise

police never visited the premises of petitioner and no contraband was seized from his possession. He further submits that the petitioner never involved in any crime and there are no criminal antecedents against him and that he is only the bread winner of his family comprising of his aged parents, wife and children. He further submits that the entire investigation is completed except filing of the charge sheet and he is ready to furnish sureties to the satisfaction of the Court.

5. In view of the allegations made against the petitioner/A3 that he supplied ganja to A1 for the purpose of sale, I am not inclined to grant anticipatory bail to him and his prayer for anticipatory bail is refused. However, if the petitioner/accused surrenders before the trial Court within 15 days from today and moves an application for bail, the same shall be considered in accordance with law.

6. Accordingly, the Criminal Petition is dismissed.

7. Miscellaneous applications, if any pending in this criminal petition, shall stand dismissed.

17th September, 2019

G. SRI DEVI, J

sj