

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

CRIMINAL PETITION No.7716 OF 2019

ORDER:

The petitioner, who is accused No.3, filed the present application under Sections 437 and 439 of Criminal Procedure Code 1973, seeking to grant bail to him in Crime No.229 of 2019 of Mangalhat Police Station, Hyderabad, which was registered for the offence punishable under Section 8 (c) read with 20 (b) (ii) (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'NDPS Act').

2. The allegations levelled against the petitioner/A-3 are that on 29.08.2019 at about 3.25 p.m., the Police Mangalhat while performing patrolling at Shivalal Nagar, Mangalhat, noticed four persons who were sitting in one passenger Auto Rickshaw. A-1 was carrying plastic gunny bag in his hand under suspicious circumstances in bylane, beside Government School, Shivalal Nagar, Mangalhat. On seeing them, the accused tried to escape but they apprehended them and seized 23 kgs of ganja from A-1, which was delivered to A-1 by A-2 on his demand and they confessed that the petitioner/A-3 and A-4 were working under A-1.

3. Heard the learned counsel for the petitioner/accused No.3 and the learned Additional Public Prosecutor appearing for the respondent-State.

4. Learned counsel for the petitioner/accused No.3 would submit that the petitioner has been falsely implicated in this case; that the petitioner is in judicial custody since 30.08.2019; that no contraband is seized from the possession of the petitioner and hence, he prays to grant bail to the petitioner/A-3.

5. As seen from the Remand Case Diary and Panchanama, there is *prima facie* involvement of the petitioner/A-3 in the above said crime, wherein 23 kgs of ganja was seized from the possession of A-1, which is more than commercial quantity and the petitioner/A-3 and A-4 were working under A-1.

6. Since the allegations levelled against the petitioner/accused No.3 are grave in nature, in the considered opinion of this Court, the petitioner/A-3 is not entitled for bail. Hence, the petition is liable to be dismissed.

7. Accordingly, the Criminal Petition is dismissed. Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 5th December, 2019

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