

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No.8438 of 2019

ORDER:

This Criminal Petition, under Section 438 of the Code of Criminal Procedure, 1973, is filed by petitioner/A2, seeking to grant anticipatory bail in Cr.No.426 of 2019 on the file of Prohibition and Excise Station, Dhoolpet, registered for the offences under Section 8(c) read with Section 20(b)(ii)(B) of NDPS Act.

2. Heard learned counsel for the petitioner/A2, learned Additional Public Prosecutor representing the respondent-State and perused the record.

3. The case of the prosecution is that on 22.08.2019 at 1.30 PM, on credible information, the Prohibition and Excise Sub-Inspector along with his staff conducted route watch in front of Prakash Talkies, Mangalhat, Hyderabad, and found illegal transportation and selling of dry ganja by A1 and seized 1.1 kgs of dry ganja containing in black polythene cover along with a vehicle and later, the police registered the aforesaid case against A1 to A4.

4. Learned counsel for the petitioner/A2 submits that the petitioner has nothing to do with the alleged offence and he has been falsely implicated in the crime without any weight of evidence. He further submits that the contraband was seized from the possession of A1 and nothing was recovered from the possession of the petitioner/A2. He further submits that A1 was released on bail by the Court below and that the petitioner is ready to cooperate with the

investigation and he shall abide by any condition imposed by this Court.

5. Learned Additional Public Prosecutor vehemently opposed the relief sought in the petition and contended that the petitioner was a transporter of ganja and supplying the same to A1 and that the petitioner was involved in another similar type of four cases and he is habitual offender and hence, he is not entitled for anticipatory bail.

6. Thus, in view of the nature of allegations leveled against the petitioner and his involvement in similar type of offences, I am not inclined to grant anticipatory bail to him and his prayer for anticipatory bail is refused. However, if the petitioner/A2 surrenders before the trial Court within 15 days from today and files an application for bail, the trial Court shall consider the same in accordance with law after giving due notice to the Public Prosecutor.

7. With the above directions, the Criminal Petition is dismissed.

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

G. SRI DEVI, J

31st December, 2019

sj