

THE HON'BLE SRI JUSTICE M. LAXMAN

CRIMINAL PETITION NO. 8944 OF 2021

ORDER:-

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973, seeking regular bail to the petitioner/sole accused in connection with COR. No. 260 of 2021 on the file of Prohibition & Excise Station, Bhadrachalam, wherein the petitioner is alleged to have committed the offences punishable under Sections 8(c) r/w 20(b)(ii)(c) of NDPS Act.

2. The case of the prosecution is that on 27.10.2021 at about 06:00 a.m., on credible information, the Prohibition & Excise Inspector, AC Enforcement, Khammam, along with staff, conducted a route-watch at Ambedkar Centre, Bhadrachalam and found the petitioner in possession of contraband weighing 25 kg. kept in the polythene cover. The said contraband was seized and the petitioner was sent to judicial custody.

3. The learned counsel for the petitioner submits that there is a commonality in the witnesses shown in the panchanama in the present case as well as in other two cases which were registered on the earlier day, one in the afternoon and the other in the evening. In all these three cases, even the quantity of contraband is shown as 25 kg. It is also his contention that the case is registered for statistical purpose.

4. The learned Public Prosecutor, on the other hand, opposed the request of the petitioner for grant of bail, contending that the

contraband seized from the possession of the petitioner is 'commercial quantity' and therefore, no sympathy can be extended.

5. The fact is that the petitioner is a resident of Bihar State and he was found in possession of contraband which is 'commercial quantity'. The arrest was effected on 27.10.2021. In the circumstances, if the petitioner is enlarged on bail, there is every possibility of his non-availability for conducting further investigation as well as to proceed with the trial. Therefore, at this stage, this Court is not inclined to enlarge the petitioner on bail.

6. In the result, the petition is dismissed.

Consequently, miscellaneous applications pending, if any, shall stand closed.

M. LAXMAN, J

Date :31.12.2021

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