

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.10228 of 2021

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973 (Cr.P.C), is filed by the petitioner/A.1 for grant of bail in Crime No.193 of 2021 of Kodad Rural Police Station, Suryapet District, registered for the offence punishable under Section 8(c) r/w 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act").

2. Heard Smt. G.Jaya Reddy, learned counsel for petitioner/A.1, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. The learned counsel for the petitioner/A.1 would submit that the petitioner/A.1 did not indulge in sale and purchase of ganja at any point of time. The whole prosecution case is false. Basing on the sole crime registered against the petitioner/A.1, the provisions under P.D Act, was invoked against the petitioner/A.1 and he is detained in prison and ultimately prayed to allow the Criminal Petition as prayed for.

4. On the other hand, the learned Assistant Public Prosecutor for the State opposed the bail application to the petitioner/A.1 and contended that 30kgs of ganja was seized from the possession of

petitioner/A.1 pursuant to his confession under recovery panchanama dated 25.09.2021 in the presence of mediators and ultimately prayed to dismiss the Criminal Petition.

5. As seen from the material placed on record, on 25.09.2021 while the petitioner/A.1 was travelling in TSRTC bus, and when it reached Ramapuram cross roads, Nallabandagudem of Kodad Mandal, at 03:30 hours, the police apprehended the petitioner/A.1 and pursuant to his confession, 30 kgs of ganja was seized under a cover of panchanama in the presence of mediators. The photocopy of panchanama dated 27.09.2021 substantiates the same. This Court while granting bail under Section 439 Cr.P.C. has to see whether the twin requirements under Section 37 of the NDPS Act i.e., i) there are reasonable grounds for believing that the accused is not guilty of such offence; and (ii) he is not likely to commit any offence while on bail, are satisfied or not. In the instant case, since 30 kgs of ganja was seized from the possession of the petitioner/A.1 pursuant to his confession, under a cover of panchanama, dated 25.09.2021, it cannot be held that he is innocent and that he would not indulge in similar offence while on bail. The petitioner/A.1 failed to satisfy the twin requirements under Section 37 of NDPS Act, to enlarge him on bail. Under these

circumstances, it is not a fit case to allow the Criminal Petition, as prayed for.

6. Accordingly, this Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

Date: 16th March, 2022
scs

Dr. SHAMEEM AKTHER, J