

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CRIMINAL PETITION No.10203 of 2021

ORDER:

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail to the petitioner/A.4 in connection with NCB F.No.48/1/2/2021/NCB/Sub-Zone/Hyderabad, wherein the petitioner is alleged to have committed the offence punishable under Section 8(c) read with 20(b)(ii)(C), 27-A, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘the NDPS Act’).

2. Heard Mr.R.Anurag, learned counsel for the petitioner, as well as Mr.B.Narasimha Sharma, learned Special Public Prosecutor, appearing for the respondent-State, and perused the material on record.

3. Learned counsel for the petitioner submits that the contraband of 212 kgs. is seized in this crime. He submits that the petitioner is languishing in jail for the last one year. It is submitted that entire investigation is completed and petitioner is un-connected with the alleged offences. It is alleged that petitioner has conspired with the other accused and has been transporting ganja. Learned counsel submits that even as per the charge sheet, they could not make out *prima facie* case that the petitioner is part of conspiracy. He submits that though the contraband that is alleged to have been seized is commercial quantity, the petitioner satisfied twin conditions under Section 37 of the NDPS Act. Hence, petitioner’s case may be considered for grant of bail.

4. On the other hand, Mr.B.Narasimha Sharma, learned counsel for NCB, submits that the police recovered currency of Rs.1,40,000/- from the vehicle and duplicate Aadhar card of the petitioner. Further, they have also recovered

the Registration Certificate of the alleged vehicle, which stands in the name of the petitioner herein. He further submits that as per the analysis of call data, there were two calls between mobile number of the petitioner and mobile number of A.1 from 10.01.2021 to 15.01.2021, which clearly shows that the petitioner was present in Andhra Pradesh during the procurement and trafficking of ganja. He submits that the contraband of 212 kgs.is seized in this crime and the petitioner could not make any grounds to grant bail. He further submits that entire investigation is completed, charge sheet is also filed and schedule is yet to be given. As the petitioner could not satisfy the twin conditions of Section 37 of the NDPS Act, he is not entitled for bail. If bail is granted, it is very difficult for the prosecution to secure his presence during the course of trial.

5. Taking into consideration the fact that the petitioner was travelling in the vehicle, which belong to him, and police recovered the Registration Certificate, which stands in the name of the petitioner, and call data also shows that both A.1 and this petitioner are very much present in Andhra Pradesh and the contraband that is seized is commercial quantity and as the petitioner failed to satisfy the twin conditions of Section 37 of the NDPS Act, this Court is not inclined to grant bail.

6. Accordingly, this Criminal Petition is dismissed.

LALITHA KANNEGANTI, J

Date: 18.01.2022

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