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Cr.O.P.No.2683 of 2024

G.CHANDRASEKHARAN. J.

The petitioner who was arrested and remanded to judicial custody on 16.02.2023 for the offences punishable under Sections 8(c) read with 20(b)(ii)(c), Section 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, in R.R.No.3 of 2023 on the file of the respondent police, seeks bail

2.The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case in R.R.No.3 of 2023 registered for the offences under Sections 8(c) read with 20(b)(ii)(c), Section 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, based on the confession statement of the co-accused. There is no incriminating materials against the petitioner. He is in judicial custody from 16.02.2023. Thus, he prays for grant of bail.

3. In response, the learned Government Advocate (Crl. Side) opposed this petition on the ground that the petitioner actively involved in the purchase of the vehicle bearing Registration No.AP-05-TA-4428 for transporting Ganja. He has shared all the details of vehicle and other documents related to the vehicle to A2. He was responsible for creating a safe

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place in the vehicle, for concealing the Ganja in the aforesaid secret place. There are enough materials against the petitioner to prosecute him for the offences under Sections Sections 8(c) read with 20(b)(ii)(c), Section 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

4. Considered the rival submissions and perused the records. This is the third bail petitions filed by the petitioner. It is a case where, petitioner alleged to have created safe place in the vehicle used for concealing the Ganja for transporting. There are enough materials available against the petitioner for prosecuting him for the offences under Section Sections 8(c) read with 20(b)(ii)(c), Section 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

5. It is a case of recovery of 438.400 Kgs. of Ganja which is a commercial quantity. Therefore, the petitioner has to satisfy the twin conditions required under Sections 37 of NDPS Act. When there are incriminating materials available against the petitioner, this Court cannot form an opinion that there are reasonable grounds to believe that the petitioner is not guilty for the offence under the NDPS Act. With regard to the 2nd condition that, the petitioner is unlikely to commit such offence while on bail, this cannot guaranteed. Therefore, this Court is not inclined to grant

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bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

14.02.2024

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