

THE HON'BLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.1140 of 2023

ORDER :

This Criminal Petition is filed seeking bail under Sections 437 and 439 of the Code of Criminal Procedure, 1973 ('CrPC') to the petitioner/Accused in Crime No.9 of 2023 of SHO, Harbour Police station, Visakhapatnam City registered for the offence punishable under Section 20 (b) (ii) (c) R/w 25, 8 (c) N.D.P.S.Act, as the petitioner was found in possession of 4 kgs of Ganja.

2. Heard learned counsel for the petitioner/Accused and the learned Assistant Public Prosecutor representing the respondent/State.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and material part of investigation is completed. He further submitted that contraband alleged to be seized is not commercial and may be enlarged on bail.

4. Learned Assistant Public Prosecutor submitted that the investigation is still not completed and that the antecedents of the petitioner are not known as he is resident out of State and further submitted that if this Court is inclined to grant bail to the petitioner, stringent conditions may be imposed to secure his presence.

5. Perused the record. Since the quantity of the Ganja, though not commercial, is more than small quantity and less than the commercial quantity, and the investigation is still in progress, the petitioner is not entitled to grant bail, at this juncture.

6. In the result, the petition is dismissed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE B.S.BHANUMATHI

Date : 20-02-2023

SAB