

THE HON'BLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.2189 of 2023

ORDER :

This Criminal Petition is filed seeking bail under Section 437 and 439 of the Code of Criminal Procedure, 1973 ('CrPC') to the petitioners/A.2 and A.3 in Crime No.263 of 2022 of Narsipatnam Town Police Station, registered on 11-10-2022 for the offence punishable under Section 20(b) (ii) (C), 25 r/w 8 (c) of NDPS Act.

2. Heard learned counsel for the petitioners/A.2 and A.3 and Sri.P.M.Mithileswara Reddy, learned Special Assistant Public Prosecutor representing the respondent/State.

3. The case of prosecution is that on 11-10-2022 while the petitioners were transporting ganja of 204 kgs in nine gunny bags in a car bearing No.AP 39 HC 4964, they were caught.

4. Learned counsel for the petitioner submitted that false case was foisted and the petitioners are innocent and they are the sole bread winners of the family. He further submitted that substantial investigation is completed, though charge sheet is not filed, but their custody is no more required.

5. Learned Special Assistant Public Prosecutor opposed the petition and submitted that huge quantity of ganja was seized. He further submitted that the investigation is still pending and charge sheet is yet to be filed.

6. Perused the record.

7. Since the statutory period of 180 days as per section 36-A (4) of NDPS Act have not completed from the date of taking the petitioners into judicial custody and the petition has been opposed by the learned Special Assistant Public Prosecutor, the petitioners are not entitled to bail, unless the Court is satisfied that there are reasonable grounds to believe that the accused are not guilty of the offence. In the present case, since the petitioners were arrested while carrying the contraband of 204 kgs of ganja, there is no ground to grant bail to the petitioner.

8. In the result, the petition is dismissed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE B.S.BHANUMATHI

Date : 29-03-2023

SAB