

THE HON'BLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.2201 of 2023

ORDER :

This Criminal Petition is filed seeking anticipatory bail under Sections 438 of the Code of Criminal Procedure, 1973 ('CrPC') to petitioner/A.2 in Crime No.278 of 2022 of Payakaraopeta Police Station registered on 22-08-2022 for the offence under Section 20(b) (ii) (B), 25 r/w 8 (c) of NDPS Act.

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

3. The case of prosecution, in brief, is that A.1 was caught carrying 10 kgs of ganja on 22.08.2022 on a TVS Scooty bearing No.AP 31 MQ 9361 and when he was questioned about the same, he stated to have purchased the same from the petitioner/A.2 and that the scooty belongs to the petitioner. He further stated that the cell phone of the petitioner bear No.8121574726 and when the police tried to talk to the same number, the phone was switched off. Police seized the cell phone as well as the scooty apart from ganja.

4. Learned counsel for the petitioner submitted that a false case was foisted and except the alleged confession of A.1, there is no other evidence to implicate the petitioner.

5. Learned Special Assistant Public Prosecutor opposed the petitioner and submitted that the scooty belongs to the petitioner and call data was under scrutiny as the details are not so far received, but applied.

6. The investigation is still pending and the call data is yet to be received. Moreover, there is no proper explanation as to why the vehicle of the petitioner is with A.1 while carrying contraband. Therefore, it cannot be a case of mere confession of co-accused, but there is material evidence connecting the petitioner to the commission of offence by using his vehicle. Therefore, it is not a case fit to grant anticipatory bail.

7. In the result, the petition is dismissed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE B.S.BHANUMATHI

Date : 31-03-2023

SAB