

THE HON'BLE SRI JUSTICE DR. V R K KRUPA SAGAR**CRIMINAL PETITION No:232 OF 2023****ORDER:**

The petitioner is accused No.1, in Crime No.232 of 2022 of Dwaraka Police Station, Visakhapatnam city. The present petition is filed under Section 438 of Cr.P.C., seeking anticipatory bail. Petition indicates the offence alleged against this petitioner is under Section 307 read with 34 of I.P.C.

2. It is on that premise, the learned counsel for the petitioner submitted arguments.

3. Learned Additional Public Prosecutor appearing for the State submits that, while the F.I.R., in this case stood registered for the offence under Section 307 read with 34 of I.P.C., it was during the course of investigation, the investigation agency detected involvement of this petitioner and other accused in dealing with Ganja and from some of the accused, the contraband was seized and the investigation has been in progress not only for the offence under Section 307 read with 34 of the I.P.C. but also for the offence under Section 20 (b)(ii)(c) r/w 8 (c) of the

Narcotic Drugs and Psychotropic Substances Act, 1985. Court's attention is drawn to the remand report pertaining to A1 to A6 in this regard.

4. When the investigation has disclosed offences under special statute and since the petitioner has not shown how this application should be considered without regard to the facts that were unearthed during the course of investigation, revealing application of the NDPS Act, 1985, the submission of the learned counsel only for the offence under Section 307 IPC without reference to other acts is not to the satisfaction of the material on record.

5. In these circumstances, this petition is dismissed. It is made clear the disposal of this application does not inhibit the petitioner from seeking appropriate remedy before the Courts below.

DR. V. R. K. KRUPA SAGAR, J

12-01-2023.
Mnr

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