

THE HON'BLE MS JUSTICE B.S.BHANUMATHI

Criminal Petition No.413 of 2023

ORDER:

This Criminal Petition is filed by petitioner/A1 (Mittu @ Raja @ Phagunu Khilla) under Sections 437 and 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C') seeking regular bail in Crime No.30 of 2022 of Munchingiput Police Station, Visakhapatnam District, registered on 20.06.2022 for the offence punishable under Sections 20(b)(ii)(C) r/w 8(c), 25 of NDPS Act, 1985.

2. Heard Sri. J. Sunil Kumar, learned counsel for the petitioner/A1 and Sri. P.M. Mithileswara Redy, learned Assistant Public Prosecutor representing the respondent/State.

3. The case of the prosecution is that on 20.06.2022, A3 and A5 were nabbed carrying 560 kgs of ganja in Bolero Van and whereas, the present petitioner/A1 is stated to be the person who mediated A3 in securing ganja for transportation by establishing contact between A3 and a person by name Rajesh (A2). The petitioner was taken into judicial custody in relation to

crime No.39 of 2022 for similar offence and has also been taken into judicial custody in the present crime i.e., crime No.30 of 2022 of Munchingiput Police Station on P.T. Warrant.

4. Learned counsel for the petitioner submitted that a false case was foisted against him and that except the alleged confession, there is no other evidence against the petitioner.

5. Learned Assistant Public Prosecutor opposed the petition since the petitioner is at the behest of all the transactions of the crime registered against him. He submitted that the investigation is still pending. He further stated that the petitioner hails from the State of Odisha.

6. Perused the record.

7. Since the contraband involved in this case is 560 kgs of ganja, bail to the accused cannot be granted by a Court unless it is satisfied that there are reasonable grounds that the petitioner is not guilty of commission of the offence. In this matter, the statement of A3 discloses the telephone numbers as well, using of which, the transactions were managed.

8. In view of the specific attributions made against the petitioner involving huge quantity of ganja, the petitioner cannot be granted bail at this juncture.

9. In the result, the Criminal Petition is dismissed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

Date:27-03-2023
GSP

B.S.BHANUMATHI, J

22

THE HON'BLE Ms. JUSTICE B S BHANUMATHI

CRL. P.No. 413 of 2023

27.03.2023

GSP