

HON'BLE SRI JUSTICE K. SREENIVASA REDDY

Criminal Petition No.447 of 2023

Order:

This Criminal Petition, under Sections 437 and 439 Cr.P.C., has been filed by the petitioner/A3, seeking regular bail, in Crime No.527 of 2019 of Tuni Town Police Station, Kakinada district.

2. A case has been registered against the petitioner herein and others for the offence punishable under Section 8(c) read with 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

3. Case of the prosecution, in brief, is that, on 12.11.2019 at about 8.30 AM, on credible information, the Sub-Inspector of Police, STF NDPS Cell, Anakapalli along with his staff and mediators reached Narsipatnam Government College and arrested A1 and A2 while they are illegally transporting Ganja in a lorry bearing registration No.RJ 09 GH 9834 and seized 250 kgs of Ganja from their possession under cover of a mediator's report. On interrogation, A1 1 confessed that he purchased the Ganja from the petitioner herein who is A3 and was transporting the same.

4. Learned counsel for the petitioner submits that basing on the confession statement by A1 only, the petitioner was falsely implicated in the present crime.

5. On the contrary, learned Assistant Public Prosecutor submits that the contraband that is seized from the petitioner/A1 is about 250 KGs of Ganja and that the investigation is not yet completed.

6. Heard. Perused the record.

7. Going by the First Information Report, specific overt acts have been made as against the petitioner herein that 250 KGs of Ganja has been recovered from the possession of A1 and A2. Having regard to the gravity of the offence and since the investigation is still pending, the petitioner is not entitled to bail at this stage.

8. Accordingly, the Criminal Petition is dismissed. However, petitioner is at liberty to renew the application after investigation is completed.

9. As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Petition, shall stand closed.

K. SREENIVASA REDDY, J.

Date:31.01.2023
GR

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