

HON'BLE SRI JUSTICE K.SURESH REDDY

CRL.P.NO.5192 OF 2023

ORDER:-

This Criminal Petition, under Sections 437 and 439 of Cr.P.C., has been filed by the petitioners/Accused Nos.1 and 2, seeking regular bail, in Crime No.107 of 2023 of S.Kota Police Station, Vizianagaram District.

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

3. Heard. Perused the record.

4. The brief facts of the case of the prosecution succinctly is thus:-

On 07-05-2023 at about 3.00 P.M the Sub-Inspector of Police, S.Kota Police Station along with his staff and mediators apprehended Accused Nos.1 and 2 at Bolderara Check Post, Bolderara village while they were loading 60 kgs of Ganja into a Car. After conducting *panchanama* and after seizing the contraband, the Sub-Inspector of Police arrested Accused

Nos.1 and 2 who were remanded to the judicial custody thereafter. On seeing the police, Accused No.3, who was also present, escaped from the scene of offence.

5. The learned counsel for the petitioners contends that the petitioners were arrested on 07-05-2023 and ever since they are in judicial custody. He, therefore, requests this court to enlarge the petitioner on bail.

6. *Per contra*, the learned Special Assistant Public Prosecutor, opposed the bail application contending *inter alia* that the contraband seized from the possession of the accused is 60 kgs, which is a commercial quantity. He further contended that Accused No.2 was involved in similar crimes previously.

7. This court perused the entire material on record. As the contraband seized from the possession of both the accused is 60 kgs and in view of the provision under Section 37 of the NDPS Act, this court is not inclined to grant bail to the petitioner.

8. Accordingly, this Criminal Petition is dismissed.

K.SURESH REDDY,J

21-08-2023.
TSNR