

THE HON'BLE SRI JUSTICE K.SURESH REDDY

CRIMINAL PETITION No.5383 OF 2023

ORDER

This Criminal Petition, under sections 437 and 439 of Cr.P.C., has been filed by the petitioner/A-1, seeking regular bail, in Crime FIR No.85 of 2023, of Annavaram Police Station, East Godavari District.

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

3. Heard. Perused the record.

4. On a perusal of the material available on record, it goes to show that on 16.03.2023 at 09.30 AM, the Sub-Inspector of police, Annavaram Police Station along with staff and mediators apprehended A-5, A-7 to A-11, near Mandapam Junction, outskirts of Annavaram Village, who were found in possession of 12 Kgs of Ganja in six packets. Further, the arrested accused made a confession stating that the petitioner/Accused No.1 and another purchased 32 Kgs of Ganja from agency area and divided the same into two (2) Kg packets and entrusted the same to A-5, A-7 to A-11 for about 12 Kgs and the remaining 20

Kgs of Ganja was put in two gunny bags and entrusted the same to A-3, A-4 and A-6. On the confession made by Accused No.5, the petitioner/Accused No.1 was arrested on 03.05.2023 at 09.30 A.M and he was remanded to Judicial Custody subsequently.

5. Sri C.Raghu, learned Senior Counsel, appearing on behalf of Sri Kona N.D.V.Ramana Rao, learned counsel for the petitioner, strenuously contended that no contraband was seized from the possession of the petitioner. He further contended that the police have clubbed two different transactions into one in order to show that the transaction comes under the “commercial quantity”. Further, the learned Senior Counsel contended that both the alleged transactions are different and as such, the quantity seized in two different cases would not come under the head of “commercial quantity”. As such, he requested 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 transaction is one and the same and it is the petitioner who supplied 32 Kgs of Ganja to two different sets/groups of people, who were apprehended by the police while they were transporting the said 32 kgs of Ganja.

7. This Court perused the entire material on record. The allegation made against the petitioner, though by way of confession, is that he supplied 32 Kgs of Ganja to A-2, A-5 and A-6, who in turn sold the said 32 Kgs of Ganja to two different sets of people. The contraband was purchased and supplied by the petitioner. As such, in the considered view of this Court, the contraband purchased and supplied by the petitioner is 32 Kgs, which is a commercial quantity and in view of the provision under Section 37 of NDPS Act, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, this Criminal Petition is dismissed.

K.SURESH REDDY, J

Date : 23.08.2023
BSK/TSNR

THE HON'BLE SRI JUSTICE K.SURESH REDDY

CRIMINAL PETITION No.5383 OF 2023

Date:23.08.2023

BSK/TSNR