

THE HON'BLE SRI JUSTICE K. SURESH REDDY

CRIMINAL PETITION No. 5551 OF 2023

ORDER:

Accused No.9 in Crime No.4 of 2023 on the file of Cheedikada Police Station, Visakhapatnam District filed the present application under Section 438 of the Criminal Procedure Code, 1973, seeking her release on anticipatory bail.

2. The above Crime was registered against the petitioner herein and others for the offence punishable under 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. The case of the prosecution is that on 08.01.2023, on receipt of credible information, the Sub-Inspector of Police, Cheedikada Police Station along with staff and mediators apprehended Accused Nos.2 and 3, who were found in possession of 40.00Kgs of Ganja. After conducting panchanama and after seizing the contraband, the Sub-Inspector of Police arrested both the Accused, who were remanded to judicial custody thereafter. During the course of investigation, the arrested Accused confessed stating that

Accused No.1 used to procure Ganja and keep the same in his house. Accused No.2, who is the wife of Accused No.1 and the petitioner, who is shown as Accused No.9 used to safeguard the said Ganja, which was brought by Accused No.1.

4. The learned counsel for the petitioner contends that she came to be implicated into the present Crime only on the confession made by Accused No.1. Even according to the prosecution, it is Accused No.1, who used to procure Ganja from agency area. The only allegation is made against the petitioner is that she along with Accused No.2 safeguards the contraband in the house of Accused No.1. As such, the learned counsel for the petitioner requested this Court to grant anticipatory bail to the petitioner/A-9.

5. On the other hand, the learned Special Assistant Public Prosecutor opposed the bail application stating that it is the petitioner and Accused No.2, who used to safeguard the contraband being brought by Accused No.1. He further contended that Accused Nos. 2 and 9 used to sell the Ganja and thereafter collecting money from them.

6. This Court perused the entire material on record.

7. In view of the above facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner/A-9, in view of the specific role attributed to the petitioner by the prosecution.

8. Accordingly, the present criminal petition is dismissed.

SRI K.SURESH REDDY, J

Date: 23.08.2023
RSI

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