

T.Pradeep Kumar, vs The State Of A.P on 17 September, 2021

HONOURABLE SMT. JUSTICE LALITHA KANNEGANTI
CRIMINAL PETITION No.3073 of 2021

ORDER:

This Criminal Petition is filed under Sections 438 of Code of the Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking pre arrest bail to the petitioner/A-2 in connection with Crime No.532 of 2020 of Nallapadu Police Station, Guntur District, registered for the offence punishable under Sections 188, 307, 353, 336, 273, 328 and 420 r/w 34 of the Indian Penal Code, 1860, Section 8(c) r/w 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "NDPS Act") and Sections 58, 59 and 63 of Food, Safety and Standards Act, 2006 (for short 'FSS Act').

2. The case of the prosecution is that 27.05.2020 the Station House Officer, Nallapadu Police Station along with staff and mediators while checking the vehicles at Etukuru Junction, NH- 16 flyover Nallapadu, they found a TATA Safari car bearing No.AP 07 BN 8586 and on seeing the police, the driver tried to take back the vehicle, police obstructed the driver, then he got down and tried to stab the police with a knife. The driver was taken control by other police personnel. On verification of the vehicle, they found 25 bags of tobacco products and 5 KGs of ganja and seized the same under the cover of a mediators report. Basing on the said report, present crime was registered.

3. Heard Sri Raja Reddy Koneti, learned counsel for the petitioner and the learned Assistant Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner/A-2 submits that petitioner is unconnected with the alleged offences. He submits that there is no material to show that driver is employed by the petitioner and the vehicle belongs to him. Only basing on confession of other accused, petitioner is implicated. He further submits that petitioner will co-operate with the investigation and abide by any conditions imposed by this Court. Hence, the petitioner's case may be considered for pre-arrest bail.

5. Learned Assistant Public Prosecutor submits that 5 KGs of ganja is seized in the crime, he is not entitled for pre-arrest bail.

6. Taking into consideration the fact that police seized tobacco products and also 5 KGs of ganja in the crime and as the petitioner is alleged to have committed offences under the NDPS Act, this Court is not inclined to grant pre-arrest bail to the petitioner/A-2.

7. Therefore, this Criminal Petition is dismissed.

LALITHA KANNEGANTI, J Date: 17.09.2021 KA
HONOURABLE SMT. JUSTICE LALITHA KANNEGANTI CRIMINAL PETITION No.3073 of 2021
Dated : 17.09.2021 KA