

**IN THE COURT OF THE I ADDITIONAL SESSIONS JUDGE,
EAST GODAVARI AT RAJAMAHENDRAVARAM**
PRESENT: SMT. **SUNITHA KONDABOLU**,
I Additional Sessions Judge, Rajamahendravaram.

Friday, this the 21st day of October, 2022.

CRL.M.P.No.1781/2022
(Crime No.49/2022 of Maredumilli Police Station)

Between:

Arimela Helly Mohan S/o Krupandanam, Graduate, Age 23 years, C/ST-Valmiki, Guntavada Village, Chitrakonda, Malkangiri District, Odisha State.
....Petitioner/A1

And

The State Rep. by its SHO, Maredumilli P.S.

....Respondent/Complainant

This petition is coming on 20.09.2022 before me for hearing in the presence of Sri Y.Ashok Kumar, Advocate for the petitioner/A1 and the learned Special Public Prosecutor for the respondent/complainant and the matter having stood over for consideration, this Court made the following:

O R D E R

This is the 4th petition filed under Section 439 of Cr.P.C. in Crime No.49/2022 of Maredumilli Police Station, registered for the offence under Section 8(C) r/w Section 20(b)(ii)(C) of NDPS Act, 1985 seeking to enlarge the petitioner/A1 on bail.

2. The case of the prosecution is that on 06.06.2022 at 4 PM at G.M.Valasa Junction, Maredumilli outskirts, Maredumilli A1 and A2 were arrested while they were found transporting 192 Kgs of Ganja in 8 white colour plastic bags and also one brown colour Ganja packet covered by newspaper containing 2 Kgs in total 194 Kgs worth of Rs.3,84,000/- from Chitrakonda, Odisha Stte of Maharashtra via Jaggampeta of Kakinada District in an Innova Car bearing No.AP31 TH 7272 and Unicorn motor cycle bearing No.AP39 J-2 8815. The contraband along with vehicles and other material was seized under a cover of mediators report. A1 and A2 were sent to judicial custody on 07-06-2022.

3. Heard the learned Counsel for the petitioner/A1 and learned Special Public Prosecutor.

4. The Counsel for the petitioner/A1 submitted that the petitioner/A1 is a Graduate and he lost his father and further recently married. It is further submitted that the petitioner/A1 is innocent and investigation is completed and he is in judicial custody for more than 92 days.

5. The learned Special Public Prosecutor opposed to grant bail contending that A1 and A2 are transporters of 194 Kgs of Ganja seized and further A2 is the owner of the crime vehicle and investigation is pending. It is further

contended that as Ganja seized is in commercial quantity, there is a bar under Section 37 of the Act and there are no change of circumstances to grant bail.

6. Now the point for consideration is whether the petitioner/A1 is entitled to bail under Section 439 of Cr.P.C?

POINT:

7. The previous bail applications were dismissed as incriminating material is found against the petitioner/A1 that he along with A2 was involved in Ganja business. It is also disclosed from the case diary that A1 along with A2 was transporting Ganja in huge quantity from Chitrakonda of Odisha State to Maharashtra for commercial purpose and investigation is not yet completed. Further mere incarceration in jail since long time is not at all a ground to grant bail in the heinous offences under the provisions of NDPS Act. In the above circumstances, no reasonable grounds as per limitations contained in Section 37 of the Act and any change of circumstances are found to grant bail to the petitioner/A1. Thus point is answered.

8. In the result, the petition is dismissed.

Typed to my dictation directly by the Stenographer Grade-II, corrected and pronounced by me in open court, this the 21st day of October, 2022.

Sd/Smt.K.Sunitha
I Additional Sessions Judge,
Rajamahendravaram.

Copy to:
The Counsel for the petitioner/A1