

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 3970 of 2015

ORDER:

The petitioner, who is accused No.3 filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.341 of 2014-2015 of Tandur Prohibition and Excise Station, registered for the offences punishable under Section 8 (c) read with 22 (c) of Narcotic Drugs and Psychotropic Substances Act, 1985.

The case of the prosecution is as under:

On 12.08.2014 at about 5.30 p.m. on receipt of credible information regarding transportation of raw material from Laxminarayanapur X Road to Basheerabad route, the officials and panchas reached the spot and intercepted a person carrying one white plastic bag. On search, they found 7 Kgs. of white powder in a polythene cover and on examination, they identified that the said white powder as Alprazolam. On enquiry, the said person stated that he is taking the contraband on the instructions of accused Nos.2 and 3 to be supplied to accused No.4.

Heard learned counsel for the petitioner and learned Public Prosecutor.

Learned counsel for the petitioner submits that accused Nos.1 and 2, who were arrested were already granted bail. But that cannot be a ground to grant anticipatory bail to the petitioner since the confession of co-accused show that 7 Kgs. of Alprazolam which is a prohibited substance was being transported at the instance of the petitioner.

While dealing with the relevancy of the confession of co-

accused the Apex Court in ***State through C.B.I. V. Amarmani***

Tripathy^[1], held as under:

“The admissibility or otherwise of the confessional statement and the effect of the evidence already adduced by the prosecution and the merit of the evidence that may be adduced hereinafter including that of the witnesses sought to be recalled are all matters to be considered at the stage of the trial.”

In view of the above, I am not inclined to grant anticipatory bail to the petitioner.

Accordingly, the Criminal Petition is dismissed.

C. PRAVEEN KUMAR, J

30.04.2015

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^[1] AIR 2005 SC 3490