

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No.1784 of 2015

ORDER:

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The petitioners/A2 and A3 filed this Criminal Petition under Section 438 Cr.P.C., seeking release in the event of their arrest in connection with Crime No.37 of 2015 of Vikarabad Police Station, Ranga Reddy District, registered for the offence punishable under Section 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The allegations in the report are as under:

On 12.02.2015 at about 16.00 hours, on credible information, the Inspector of Police along with his staff raided 'Gopi cutting saloon' and found some persons with ganja. On enquiry, all the accused revealed their names and also confessed about doing business in ganja. Immediately, Inspector of Police sent a requisition to Tahsildar for his presence to interrogate the accused. The remand report also discloses that 12 plastic covers of ganja were recovered from the possession of the accused. Basing on the search and seizure the above crime came to be registered.

Heard the learned counsel for the petitioners and learned Public Prosecutor appearing for the respondent-State.

A perusal of the material on record would show that A4 to A6 were arrested and ganja was recovered from them. Pursuant to their confession, A7 to A11 were arrested. Insofar as petitioners are concerned, the confession of the co-accused

discloses that the petitioners supplied ganja to them. The relevancy of the confession made by co-accused is no more *resintegra*, in view of the judgment of the Apex Court ***State through C.B.I. V. Amarmani Tripathy***^[1], wherein the Apex Court 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.”

Having regard to the allegations made and since the petitioners are the prime accused, who are supplying ganja to others, their request for grant of anticipatory bail cannot be considered. However, the petitioner shall appear before the concerned Magistrate and make an application after giving prior notice to the Public Prosecutor, in which event the same shall be dealt with the same on merits in accordance with law at the earliest.

Accordingly, the Criminal Petition is dismissed.

JUSTICE C. PRAVEEN KUMAR

11.03.2015
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^[1] AIR 2005 SC 3490