

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CRIMINAL PETITION No. 1589 OF 2017

ORDER:

The petitioner, who is A-3, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.224 of 2016 of Mahabubabad town Police Station, Mahabubabad District, registered for the offences punishable under Sections 8(c) read with Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2) The allegations in the report are as under:

On 29.12.2016 at about 5.30 p.m., the S.I. of Police, Mahabubabad P.S., along with one constable while conducting patrolling found three persons moving under suspicious circumstances when the patrolling party reached them, one of the three persons ran away and the remaining two were apprehended. On enquiry they revealed their names. On verification they found 2 kgs. of Ganja which was informed to the superior officers. On their directions they addressed a letter to the Tahasildar, Mahabubabad, who rushed there along with two mediators and conducted confession cum seizure panchanama. After following the due procedure, they seized 2 kgs of Ganja each and cash of RS.18,380/- and Rs.15,500/-

from A-1 and A-2 respectively. Basing on the search and seizure, the above crime came to be registered.

3) The learned counsel for the petitioner submits that except the confession of A-1 and A-2 nothing incriminating material is available against the petitioner/A-3 and he is not involved in the offence. He also placed on record, a hall-ticket said to have been issued by Telangana State Public Service Commission showing that the petitioner has been appearing for Group-II examination.

4) The same is opposed by the learned Additional Public Prosecutor contending that confession of the other accused shows that even earlier the accused are alleged to have purchased the contraband from the petitioner.

5) A reading of the material placed on record would show that on previous occasion A-1 and A-2 are alleged to have purchased Ganja from A-3 but their statement is silent as regards the quantity. Even in the present incident, the accused are also alleged to have purchased 4 Kgs of Ganja from the petitioner.

6) Having regard to the above, I am of the opinion that it is not a fit case to grant anticipatory bail to the petitioner. However, the petitioner, if so advised, shall surrender before the concerned court and move an application seeking regular bail, by giving prior notice to the learned Public

Prosecutor concerned, in which event the same shall be considered on the same day on such terms as the Court deems fit and proper.

7) With the above direction, the criminal petition is disposed of.

JUSTICE C. PRAVEEN KUMAR

Dt:06.03.2017
GM

