

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CRIMINAL PETITION No.14 OF 2019

ORDER:

This Criminal Petition, under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed by the petitioner/accused No.5 for grant of bail in S.C.No.102 of 2018 on the file of I Additional District and Sessions Judge, Sangareddy, registered for the offences punishable under Sections 22, 25, 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard learned counsel for the petitioner/accused No.5 and the learned Special Public Prosecutor representing the respondent. Perused the record.

3. Learned counsel for the petitioner/accused No.5 would submit that nothing was seized from the possession of the petitioner/accused No.5; that the petitioner/accused No.5 has nothing to do with the alleged offences and ultimately, prayed to allow the petition.

4. Learned counsel for the petitioner, in support of his submissions, relied on a decision of the Honourable Supreme Court in **Surinder Kumar Khanna v. Intelligence Officer, Directorate of Revenue Intelligence**¹, wherein, in paragraph No.14, it was held thus:

“14. In the present case it is accepted that apart from the aforesaid statements of co-accused there is no material suggesting involvement of the Appellant in the crime in question. We are thus left with only one piece of material that is the confessional statements of

¹ AIR 2018 SC 3574

the co-accused as stated above. On the touchstone of law laid down by this Court such a confessional statement of a co-accused cannot by itself be taken as a substantive piece of evidence against another co-accused and can at best be used or utilized in order to lend assurance to the Court. In the absence of any substantive evidence it would be inappropriate to base the conviction of the Appellant purely on the statements of co-accused. The Appellant is therefore entitled to be acquitted of the charges leveled against him. We, therefore, accept this appeal, set aside the orders of conviction and sentence and acquit the Appellant. The Appellant shall be released forthwith unless his custody is required in connection with any other offence.”

5. The above decision relied upon by the learned counsel for the petitioner/accused No.5 is after due trial of the case. Therefore, it is not proper to rely on the above decision at this juncture.

6. As seen from the material on record, earlier four bail applications filed by the petitioner/accused No.5 were dismissed by this Court assigning number of reasons vide orders, dated 19.06.2018, 06.08.2018, 29.10.2018 and 10.12.2018, in CrI.P.Nos.5814, 7079, 11099 and 12412 of 2018, respectively. The contentions raised in this petition were already dealt with and elaborately answered in the aforementioned orders. No change of circumstances from the date of dismissal of earlier bail petitions is brought to the notice of this Court. As there are specific and grave allegations against the petitioner/accused No.5, it cannot be said that the petitioner/accused No.5 is innocent and falsely implicated in this case. Under these circumstances, this Court is declined to grant bail to the petitioner/accused No.5.

7. Accordingly, the Criminal Petition is dismissed.

Miscellaneous Petitions, if any, pending in this Criminal
Petition shall stand closed.

January 21, 2019.
MD

Dr. SHAMEEM AKTHER, J

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