

HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION NO.3630 OF 2019

ORDER:

This Criminal Petition under Section 438 of the Code of Criminal Procedure, 1973, is filed by the petitioner/A-18 seeking grant of bail in the event of his arrest in Crime No.71 of 2019 of Prohibition & Excise Station, Amberpet, Hyderabad, Hyderabad District, registered for the offence punishable under Section 8(c) read with Sections 21(b), 17(a) & 27(a&b) of NDPS Act, 1985.

Heard the learned counsel for the petitioner/A-18, the learned Additional Public Prosecutor representing the respondent-State and perused the record.

According to the Prosecution, on 02.06.2019 on reliable information regarding illegal sale of cocaine by one Shaik Fahad at H.No.8-2-293/82/F2/A/1/1, Site-2, Road No.5, Film Nagar, Jubilee Hills, Hyderabad, the Prohibition & Excise officials apprehended one Bagari Santosh (A-2). After following the due procedure, they seized the contraband under cover of panchanama and a case was registered, as stated above.

It has been submitted that the contraband was recovered only from the possession of A-2 and A-3 and the present petitioner never committed the offence as alleged by the prosecution. Petitioner is innocent and nothing to do with the alleged offence. Petitioner is implicated only on the basis of the confessional statement made by accused No.9.

Per contra, learned Additional Public Prosecutor opposed the bail application and contended that the confessional statement

of A-9 reveals involvement of the petitioner/A-18 in the crime. Hence, he is not entitled for anticipatory bail.

Looking into the nature of allegations levelled against the petitioner, gravity of offence alleged against him and considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner/A-18. However, if the petitioner surrenders before the competent Court within a period of fifteen days from today and applies for regular bail, the same shall be considered by the said Court on the same day, in accordance with law.

With the above direction, the Criminal Petition is disposed of.

Miscellaneous petitions, if any, pending shall stand closed.

(G. SRI DEVI, J)

10th July 2019
RRB

