

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION No. 5137 of 2019

ORDER :

1. The petitioner, who is accused No.2, filed the present application under Section 438 Cr.P.C. seeking release in the event of his arrest in connection with Crime No.305 of 2019 of Mahabubnagar Rural Police Station, registered for the offences punishable under Sections 21, 28 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The allegation leveled against the petitioner is that the petitioner not only financed the accused No.1, but also advised him to take a room and prepare alprazolam, a Psychotropic substance for supplying the same to toddy shops.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor.

4. It has been submitted on behalf of the petitioner that basing on the alleged confession of accused No.1, which was recorded by the police while taking him into their custody and without any iota of evidence or participation of the petitioner in the process of manufacturing the alleged psychotropic substance, he was implicated as accused No.2 in the above referred crime and the police are trying to apprehend the petitioner to extract false confession by using third degree methods. It is further submitted that even as per the confessional statement of accused No.1, the petitioner never involved in manufacturing the contraband or he never dealt with the finally processed substance and purely on the basis of the confession made by accused No.1, the petitioner is sought to be arrested on the ground that the petitioner had allegedly suggested to accused No.1 to manufacture the alprazolam to clear his debts. It is also submitted that the

petitioner denies all the allegations leveled against him as the said allegations are false, frivolous and concocted for the purpose of implicating him falsely in the above crime. The petitioner never involved in commission of any of the offences alleged against him and admittedly the petitioner do not possess any incriminating material or psychotropic substance. The petitioner is a law abiding citizen and he is willing to abide by any conditions imposed.

5. Learned Additional Public Prosecutor opposed the application.

6. A perusal of the contents of the remand case dairy discloses that according to the investigation and evidence collected so far, the petitioner/ accused No.2 is played main and key role to this offence and with the help of the petitioner only, accused No.1 started clandestine business like manufacturing of alprazolam at the outskirts of Yedira village. Therefore, looking into the nature of allegations leveled against the petitioner, the involvement of the petitioner in the present crime along with accused No.1 in manufacturing psychotropic substance ie. Alprazolam, I am not inclined to release the petitioner on anticipatory bail.

7. Accordingly, the Criminal Petition is dismissed. However, the petitioner is directed to surrender before the concerned Court within 15 days from today and move an application for bail before the appropriate Court and on such application being filed, the same may be considered in accordance with law.

JUSTICE G. SRI DEVI

09.09.2019
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