

**THE HON'BLE SRI JUSTICE K.SURENDER**

**CRIMINAL PETITION No. 1731 of 2022**

**ORDER:**

This Criminal Petition filed under Section 437 & 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioner/Accused No.2 on bail in connection with Crime No.172 of 2021 on the file of Hyderabad Police Station, Tappa Chabutra, registered for the offences punishable under Section 8C r/w. 20(b) (ii) (c) of NDPS Act, 1985.

2. Heard the learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.

3. It is the case of the petitioner that he was arrayed as Accused No.2 in the FIR on the basis of confession made by Accused No.1 in whose possession 22 Kgs. of Ganja was found; and that petitioner is in jail since 22.11.2021.

4. When learned Assistant Public Prosecutor was questioned, he submits that apart from the confession of Accused No.1, no other evidence is collected to substantiate the fact that this petitioner sold contraband which was seized from Accused No.1.

5. Since 133 days have elapsed and the police have failed to investigate and produce any evidence apart from the alleged confession of accused No.1, implicating this petitioner. This petitioner can be released on bail on the following conditions.

- i. the petitioner/Accused No.2 is directed to be released on bail on his executing personal bond for Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for likesum, to the satisfaction of Metropolitan Sessions Judge, Hyderabad.
- ii. On such release, the petitioner/accused No.2 shall appear before the Investigating Officer on every Wednesday and Sunday between 10.00 am and 5.00 pm for a period of three months or till the completion of investigation whichever is earlier and shall co-operate with the Investigating Officer.
- iii. The petitioner/accused No.2 shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.

Accordingly, the criminal petition is allowed.

Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

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**K.SURENDER,J**

Date :04.04.2022  
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**Dt.04.04.2022**

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