

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO. 2881 OF 2022****ORDER:**

This Criminal Petition is filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking pre-arrest bail to the petitioner/Accused No.11 in the event of his arrest in connection with Crime No.324 of 2021 on the file of Station House Officer, Devarakonda Police Station, Nalgonda District registered for the offence punishable under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act')

2. Heard the learned counsel for the petitioner/Accused No.11 and the learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. Petitioner is arrayed as Accused No.11 in the aforementioned Crime registered for the offence under Section 20(b)(ii)(C) of NDPS Act'.

4. The gist of the prosecution case is that on 02.01.2021 at about 16.00 hours while the Sub-Inspector of Police, Devarakonda Police Station along with his staff performing vehicle checking at Devarakonda town, they stopped one Skoda car bearing No.AP 10 AJ 4411 coming from Devarakonda town to Dindi side and on seeing the police, while Accused Nos.1, 2, 5 to 7 and JCL are trying to escape, the police caught hold the said persons and seized 24 kgs of ganja from them under cover of panchanama. Accused Nos.3 and 4 are selling ganja and they arranged Accused Nos.5 to 7 and JCL as workers for escort to their business. Since 2 years, Accused No.1 purchasing ganja from Accused Nos.3 and 4 per kg Rs.5,000/- and selling the same to Accused Nos.8 to 10 and also to the addicted person in excess rate and getting money. Accused No.2 along with Accused No.1 purchased ganja from Accused Nos.3 and 4 and selling to Accused Nos.11 to 13. On 01.10.2021, Accused Nos.1 and 2 went to Accused Nos.3 and 4 in Accused No.1's Skoda car bearing No.AP 10 AJ 4411, Accused No.1 purchased 14 kgs of ganja from Accused No.3 and Accused No.2 purchased 10 kgs of ganja from Accused No.4, then Accused Nos.3 and 4 handed over the same to Accused Nos.5 to 7 and JCL for transporting the material to Accused

No.1 station and while they were transporting the police, Devarakonda police caught hold them with ganja.

5. The case was adjourned thrice for the Assistant Public Prosecutor to get instructions regarding the complicity of petitioner in the investigation done pursuant to the alleged confession of Accused No.1 implicating this petitioner.

6. Learned Assistant Public Prosecutor submits that apart from the confession no other material evidence was collected by the police during the course of investigation.

7. There are no seizures or any relation is shown with Accused No.1 by way of filing any call records or any other evidence to substantiate the involvement of the petitioner/Accused No.11, for the said reason the petitioner/Accused No.11 can be granted the relief of Anticipatory Bail.

8. Accordingly, the Criminal Petition is allowed and the petitioner/Accused is granted bail subject to the following conditions:

i) The petitioner/Accused No.11 is directed to surrender before the Station House Officer, Devarakonda Police Station, Nalgonda

District, within a period of ten (10) days from the date of receipt of the order, and on such surrender, the said Station House Officer shall release the petitioner/Accused on bail on his executing a personal bond for a sum of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties to the like sum each to his satisfaction

ii) The petitioner/Accused No.11 shall appear before the Station House Officer, Devarakonda Police Station everyday for a period of 10 days and thereafter on every Saturday and Sunday between 10.30 a.m. and 1.00 p.m. for a period of two (02) months.

iii) The petitioner/Accused No.11 shall abide by the other conditions stipulated in Section 438(2) Cr.P.C.

9. As a sequel thereto, miscellaneous applications, if any pending, shall stand closed.

K.SURENDER,J

Date : 18.04.2022
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