

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION No.3285 OF 2022****ORDER:**

This petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/Accused No.2 in connection with Crime No.366 of 2021 on the file of Station House Officer, Nalgonda I Town Police Station, Nalgonda District, wherein the petitioner is alleged to have committed the offence punishable under Section 22(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.2 and the learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The prosecution case is that on 21.10.2021 on reliable information, the Sub-Inspector of Police, Nalgonda I Town Police Station alongwith her staff rushed to near Chakali Iyalamma Bhavan by the side of Sagar Road and found Accused No.1 under suspicious manner along with a big bag. On search, they found 22 kgs of ganja in the plastic bag and that the same was seized under

cover of panchanama. Accused No.1 confessed that he came to Nalgonda along with ganja bag as instructed by Accused No.2 and basing on the confession of Accused No.1, Accused No.2 was arrested on 22.12.2021.

4. Learned counsel for the petitioner/Accused No.2 submits that other than the confession there is no other evidence which is filed by the prosecution to substantiate the allegations made against the petitioner/Accused No.2. The Hon'ble Supreme Court in Tofan Singh vs. The State of Tamilnadu has made it clear that confession of accused recorded under Section 67 of NDPS Act is inadmissible.

5. In view of there being no other evidence apart from the alleged confession of Accused No.1 and that there are no seizures effected at the instance of this petitioner/Accused No.2, the petitioner/Accused No.2 is entitled to be released on bail.

6. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.2 is granted bail subject to the following conditions:

- i) The petitioner/Accused No.2 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties for a like sum each to the satisfaction of the Judicial First Class Magistrate at Nalgonda.
- ii) The petitioner/Accused No.2 shall appear before the Station House Officer, Nalgonda I Town Police Station, Nalgonda District, on every Thursday and Friday between 10.00 a.m. and 1.00 p.m. for a period of three months.
- iii) The petitioner/Accused No.2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 19.04.2022
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