

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

**CRIMINAL PETITION No. 5452 of 2022**

**ORDER:**

This Criminal Petition is filed under Section 437 & 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioner/Accused on bail in connection with Crime No.441 of 2021, on the file of Chandrayanagutta Police Station, Hyderabad District.

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

3. Briefly stated the case of prosecution is that on 02.09.2021 on credible information, the Chandrayangutta Police apprehended Accused Nos.1 to 4 and seized ganja of 400 kgs. in a car. The allegation against this petitioner is that prior to 28.08.2021 this petitioner went along with Accused Nos.1 to 4 and purchased ganja from Khammam. The police after investigation have filed charge sheet against all these accused.

4. Learned Counsel for petitioner submits that even according to the outcome of investigation, the police did not examine any witness or provide any proof to show that this petitioner had in fact accompanied Accused Nos.1 to 4 on 28.08.2021 and that only on the basis of confession of Accused Nos.1 to 4, this petitioner was implicated.

5. Learned Assistant Public Prosecutor submits that charge sheet clearly indicates the involvement of this petitioner as a person accompanying Accused Nos.1 to 4 for the purchase of the said ganja.

6. As seen from the array of witnesses none of the witnesses were examined to show any kind of transaction that had taken place on 28.08.2021 which the police alleged that this petitioner had in fact proceeded to Khammam along with Accused Nos.1 to 4. Apart from the confession of Accused Nos.1 to 4, there is no other evidence to connect this petitioner other than the telephonic calls interse in between the accused.

7. In the said circumstances, when according to the charge sheet there is no evidence that is gathered to show

that this petitioner had in fact accompanied Accused Nos.1 to 4 on 28.08.2021 for purchase of ganja, other than confession, this petitioner can be released on bail on the following conditions.

- i. the petitioner/ Accused is directed to be released on bail on his executing personal bond for Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for like sum, to the satisfaction of I Additional Metropolitan Sessions Judge, Hyderabad.
- ii. On such release, the petitioner/ accused shall appear before the concerned Police Station on every date of hearing.
- iii. The petitioner/ accused shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.

8. 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 :04.07.2022  
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**Dt.04.07.2022**

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