

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.7131 OF 2022

O R D E R:

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C.") seeking to enlarge the petitioners/Accused Nos.2 and 3 on bail in connection with Crime No.321 of 2022 pending on the file of Chandanagar Police Station, Cyberabad, registered for the offence punishable under Section 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "N.D.P.S.Act, 1985").

2. Heard learned counsel for the petitioners/Accused Nos.2 and 3 and learned Assistant Public Prosecutor for the respondent-State. Perused the record.

3. The case of the prosecution is that Accused No.1, who was a driver of Ashok Leyland Auto bearing No.TS 04 UB 2814, found in possession of 77 Kgs. of Ganja in his vehicle and during the course of interrogation, he has stated that the petitioners/Accused Nos.2 and 3, who were following behind his vehicle in Maruthi Swift Car bearing No.TS 26 F 7435, had in fact engaged the services of Accused No.1 to transport the said Ganja.

4. Learned counsel for the petitioners submits that these petitioners have nothing to do with Accused No.1 and other than the alleged confession of Accused No.1, there is no other evidence is placed before the Court to draw conclusion that in fact Accused Nos.1 to 3 have conspired to transport the said Ganja.

5. As seen from the Remand Report, except confession of Accused No.1, there is no other evidence such as telephone numbers or any such evidence collected during the course of investigation to say that Accused Nos.1 to 3 have in fact conspired. In the present circumstances, against these petitioners/Accused Nos.2 and 3, the only evidence is that of confession of Accused No.1. Therefore, the petitioners/Accused Nos.2 and 3 are directed to be released on bail on the following conditions:

- i) The petitioners/Accused Nos.2 and 3 are directed to be released on bail on their executing personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with two sureties for like sum each, to the satisfaction of the learned Metropolitan Sessions Judge-cum-I Additional District & Sessions Judge, Cyberabad, Ranga Reddy District, at L.B.Nagar.
- ii) The petitioners/Accused Nos.2 and 3 shall appear before the concerned Police on every Monday between 10.00 A.M. and 05.00 P.M, for a period of twelve weeks or until filing of charge sheet, whichever is earlier.

- iii) The petitioners/Accused Nos.2 and 3 shall comply with the conditions as laid down under Section 437 (3) of Cr.P.C.

6. However, the present order will not have any bearing on the investigation that is yet to be done and concluded against these petitioners.

7. Accordingly, the Criminal Petition is allowed.

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

K.SURENDER, J

Date :12.09.2022

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Dt.12.09.2022

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