

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.7343 OF 2023****ORDER:**

1. This Criminal 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 in Crime No.338 of 2023, on the file of Hayathnagar Police Station, Rachakonda, registered for the offence under Section 8(c) r/w. 20(b) (ii) (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘the NPDS Act’).
2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent-State and perused the record.
3. The case of the Hayathnagar Police is that on 16.03.2023, while they were patrolling on the highway, one vehicle which was driven by A-2 and A-3 was also present in the DCM container, was stopped. The Police found 16 brown colour packets, total weighing 161 kgs. and 60 grams of dry ganja. The license of the vehicle is

in the name of A-1. Having secured the presence of independent mediators, the proceedings were drafted by the Police following the procedure prescribed under NDPS Act. On 17.03.2023, A-2 and A-3 were arrested and remanded to judicial custody. A-1, A-4 to A-6 were shown as absconding. It is the case of the Police that during the course of investigation, A-2 was taken into custody. A-1 is the father of this petitioner. A-2 confessed that this petitioner and his father/A-1 were involved in transportation of ganja which was found by Hayathnagar Police. On the basis of confession of A-2, the petitioner/A-7 was also taken into custody and his confession was also recorded.

4. Learned counsel for the petitioner would submit that apart from confession which was taken under duress by the Police, there is no other source to show any kind of involvement by this petitioner.

5. Learned Public Prosecutor does not dispute arraying this petitioner as accused on the basis of confession of A-2.

6. Apart from the alleged confession of both A-2 and this petitioner, there is no other evidence against this petitioner.

7. Keeping in view that the petitioner is aged 20 years and is a student even according to the remand report, the petitioner can be granted regular bail subject to following conditions:

i) The petitioner/Accused No.7 shall execute personal bond for a sum of Rs.50,000/- (Rupees Twenty thousand only) with two sureties i.e., one surety from a local and the other from his area for a like sum each to the satisfaction of XIV Additional Metropolitan Magistrate, Rachakonda at Hayathnagar.

ii) The petitioner/A-7 after release shall appear before the Station House Officer, Hayathnagar Police Station everyday for a period of fifteen days at 10.00 AM and thereafter as and when required, for the purpose of investigation.

iii) The petitioner/A-7 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

8. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 14.08.2023
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