

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No.8639 of 2023

ORDER:

1. This Criminal Petition is filed under Section 438 of Cr.P.C. by the petitioner/Accused No.5 seeking bail in the event of his arrest in connection with Crime No.236 of 2023 on the file of Mangalhat Police Station, Hyderabad, registered for the offence under Section 8(c) r/w. 20 (b) (ii) (B) r/w. 27 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NPDS Act').
2. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for the respondent-State and perused the record.
3. It is the case of the Police that they apprehended A-1 while he was in possession of 4 kgs. of ganja. In the confession of A-1, he stated that this petitioner who is his brother was also involved in selling ganja.
4. The implication of this petitioner is alleged confession of A-1. Apart from the said confession, there is no other investigation done by the Police to ascertain correctness or otherwise of the confession made by A-1.

5. Since there is no other evidence apart from the alleged confession of A-1, this Court deems it appropriate to grant the relief of anticipatory bail to the petitioner, subject to the following conditions:

- 1) The petitioner/Accused No.5 is directed to surrender before the Station House Officer, Mangalhat Police Station, Hyderabad, on 15.09.2023. On such surrender, the said Station House Officer shall release the petitioner on bail, on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for a like sum each to his satisfaction.
- 2) On such release, petitioner/Accused No.5 shall appear before the concerned Station House Officer at 10.00 A.M everyday for a period of four weeks, for the purpose of investigation and thereafter, as and when required.
- 3) The petitioner/Accused No.5 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

6. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, if any pending in this criminal petition, shall stand closed.

K.SURENDER, J

Date : 13.09.2023
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Dt.13.09.2023

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