

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.8964 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 No.4 in Crime.No.248 of 2023 on the file of Langar House Police Station, Hyderabad, registered for the offence under Sections 8(c), 8A(c), 27A and 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 Langer House Police arrested A-1 on 17.08.2023 for being in possession of 44 kgs. of ganja. During the course of investigation, the petitioner was also arrested. The basis for arrest is confession of A-1 stating that this petitioner was financing ganja business of A-1.

4. Learned counsel appearing for the petitioner would submit that there are no cases against this petitioner and solely the basis for implication of this petitioner is confession of A-1. The said confession is invalid by virtue of the judgment of the Hon'ble Supreme Court in ***Toofan Singn v. State of Tamil Nadu***¹.

5. On instructions, learned Additional Public Prosecutor would submit that there are no other pending cases against this petitioner.

6. As seen from the remand report, apart from the confession of A-1, there are no other circumstances cited to implicate this petitioner. Since no contraband was seized from the petitioner and the basis for implication is solely confession, this Court deems it appropriate to grant the relief of regular bail to the petitioner, subject to following conditions:

- i) The petitioner/Accused No.4 shall execute personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, for a like sum each

¹ (2013) 16 SCC 31

to the satisfaction of VI Additional Chief Metropolitan Magistrate, at Nampally.

ii) The petitioner/Accused No.4 after release shall appear before the concerned Station House Officer on every Monday and Wednesday for a period of eight weeks at 10.00 AM and thereafter as and when required, for the purpose of investigation.

iii) The petitioner/Accused No.4 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

Date: 20.09.2023
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K.SURENDER, J

THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.20.09.2023

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