

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

**CRIMINAL PETITION No.9902 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 petitioners/Accused Nos.2 and 3 in Crime.No.15 of 2020 on the file of Malkajgiri Police Station, registered for the offences under Section 8(c) r/w. 20(b) (ii) (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NPDS Act').
2. Heard learned counsel for the petitioners and learned Assistant Public Prosecutor for the respondent-State and perused the record.
3. The Prohibition and Excise Police, Malkajgiri on 06.02.2020 stopped a vehicle in which A-1 and other persons were travelling. When the car was stopped, the persons in the car tried to escape but the staff chased and apprehended A-1. The other persons in the car fled. In the car, the officials seized 120 kgs. of dry ganja. The seizure was conducted, after investigation charge sheet was filed showing these petitioners as A-2 and A-3. The basis for involvement of these petitioners is confession that was made by A-1 saying that the persons who fled from the scene were these petitioners.

4. Learned counsel appearing for the petitioners would submit that the implication of these petitioners is only on the basis of confession. In fact, nothing was produced during the course of investigation to substantiate that these petitioners are the persons who fled from the scene. No descriptive particulars were given, as such, confession cannot be made basis to implicate these petitioners.

5. On the other hand, learned Assistant Public Prosecutor would submit that the charge sheet is already filed and the involvement otherwise of the petitioners can be ascertained by the trial Court after examining the witnesses. However, he does not dispute that the implication of these petitioners is on the basis of confession made by A-1.

6. Since no other evidence is placed by the Police against these petitioners to substantiate their claim that these petitioners were traveling with A-1 in the said car, this Court is inclined to grant the relief of regular bail to these petitioners, subject to following conditions:-

- i) The petitioners/Accused Nos.2 and 3 shall execute personal bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties, for a like sum each to the satisfaction of I Additional District and Sessions Judge-Cum-Metropolitan Sessions Judge, Medchal-Malkajgiri District.

ii) The petitioners/Accused Nos.2 and 3 after release shall appear before the concerned Court on every date of hearing.

iii) The petitioners/Accused Nos.2 and 3 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

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

Date : 02.11.2023  
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**K.SURENDER, J**

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**Dt.02.11.2023**

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