

THE HON'BLE SRI JUSTICE K.SURENDER

CRIMINAL PETITION No. 11135 of 2023

ORDER:

This Criminal Petition is filed under Section 438 of Cr.P.C. by petitioners/A4 & A5 seeking bail in the event of their arrest in connection with Crime No.937 of 2023, on the file of KPHB Colony Police Station, Cyberabad. The offence alleged against the petitioner is under Section 21(b) of the NDPS Act, 1985.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the respondent-State and perused the record.

3. The Sub-Inspector of Police, KPHB Colony, arrested Accused Nos.2 and 3 and seized 3 grams of Cocaine from A3 and 4 grams of Cocaine from A4. In the confession of Accused No.3 it was informed to the Police that these petitioners were procuring Cocaine from Goa and selling it at Hyderabad at a higher rate. Accordingly, Accused Nos.2 and 3 went to Goa and procured Cocaine.

4. Learned Counsel appearing for the petitioners would submit that apart from the confession of A3, there is nothing in the complaint to implicate these petitioners. Even according to the complaint, Cocaine was not purchased from these petitioners or at the instance of these petitioners.

5. It is submitted that there are no other cases pending against these petitioners which is not disputed by the learned Public Prosecutor.

6. Keeping in view that the basis for implication of these petitioners is the confession of Accused No.3 that they went to Goa on the information given by these petitioners that they have purchased Cocaine from Goa and selling at Hyderabad, these petitioners can be granted the relief of Anticipatory bail subject to the following conditions:

- 1) The petitioners/A4 & A5 are directed to surrender before the Station House Officer, KPHB Colony, Cyberabad, R.R.District, on or before 22.11.2023. On such surrender, the said Station House Officer shall release the petitioners/A4 & A5 on bail, on their executing personal bonds for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties for a like sum each to his satisfaction.
- 2) On such release, the petitioners/A4 & A5 shall appear before the concerned police, every day between 10.00 a.m. to 1.00 p.m. for a period of one week and thereafter as and when required, for the purpose of investigation.
- 3) The petitioners/A4 & A5 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.

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

K.SURENDER, J

Date : 15.11.2023
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Dt.15.11.2023

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