

THE HONOURABLE DR. JUSTICE D.NAGARJUN

CRIMINAL PETITION No.11847 of 2022

ORDER:

This Criminal Petition is filed by the petitioner/Accused No.6 under Section 438 of the Criminal Procedure Code seeking anticipatory bail in Crime No.276 of 2022 of Mangalhat Police Station registered for the offences punishable under Section 8 (c) read with Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act.

02. Heard Sri Lovaneet Kumar Sharma, learned counsel for the petitioner as well as Sri T.V.Ramana Rao, learned Additional Public Prosecutor for respondent/State.

03. According to the prosecution version, on 14.09.2022 at about 10:25 AM on reliable information, the Sub Inspector of Police, Mangalhat Police Station, Hyderabad has proceeded to the scene of offence and seized 1.2 kilograms of ganja from the possession of accused No.1. The Police have recorded the confession of accused No.1, who has confessed that he has purchased ganja from the petitioner –

accused No.6. Based on the report of the Sub-Inspector of Police, a case in Crime No.276 of 2022 was registered for the offences punishable under Section 8 (c) read with Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act against accused Nos.1 to 6.

04. It is submitted by the learned counsel for the petitioner/Accused No.6 that petitioner/Accused No.6 is innocent; he has not committed such an offence; he is no way concerned as he was falsely implicated in this case and finally sought for grant of anticipatory bail.

05. On the other hand, learned Additional Public Prosecutor has submitted that on account of absconding of the petitioner / accused No.6 only, the investigation could not be completed and that it is not a fit case to grant anticipatory bail to the petitioner.

06. As seen from the record, no contraband has been recovered from the petitioner/accused No.6 and it is only on the confession of accused No.1, the petitioner / accused No.6 has been implicated. Even otherwise, this is a case, where

the quantity of ganja seized from the possession of accused No.1 is less than intermediary quantity.

07. Taking into consideration all the facts and circumstances explained, the petitioner/Accused No.6 is entitled for anticipatory bail.

08. Accordingly, the Criminal Petition is allowed and the petitioner/Accused No.6 is ordered to be enlarged on bail in the event of his arrest subject to following conditions:

i) The petitioner/Accused No.6 is directed to surrender himself before Station House Officer, Police Station, Mangalhat, Hyderabad within one week from today, and on such surrender, the petitioner / accused No.6 shall be enlarged on bail on his executing personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of Station House Officer, Police Station, Mangalhat, Hyderabad.

ii) The petitioner/Accused No.6 shall abide by the other conditions stipulated in Section 438 (2) of the Criminal

Procedure Code.

As a sequel, pending Miscellaneous Applications, if any,
shall stand closed.

DR. D.NAGARJUN, J

Date: 05-01-2023
AS

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