

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2258 OF 2024

ORDER:

This criminal petition is filed by the petitioner-accused No.3 under Section 438 Cr.P.C., seeking to grant anticipatory bail to him in Crime No.169 of 2024 on the file of Narsingi Police Station, Cyberabad, registered for the offences under Section 8 (c) read with 22 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution in brief was that on 28.01.2024 at 22.00 hours, the Sub Inspector of Police, Narsingi Police Station, lodged a complaint stating that on receipt of credible information, he along with his staff and panch witnesses, proceeded to Front Line Seven Apartment, opposite to MGIT College, on Shankarpally to Narsingi Road, Kokapet Village, Ranga Reddy District and found a lady (A2) with a black colour hand bag moving near the said apartment. On enquiry, she disclosed her details and admitted that she was carrying MDMA powder in her bag. On personal search of A2 in the presence of a Gazetted Officer, the police found a polythene cover with four sachets of white powder, one glass

bottle and one Oppo mobile phone in her hand bag and she admitted that the powder in the sachets was MDMA. On weighing, it was found 4 grams. The police seized the property and apprehended A2. A2 confessed that one Uneeth Reddy (A1) used to bring MDMA powder from Bangalore and sell it to the needy customers. She was habituated to consume drugs along with A1 and his girl friend Indira @ Indu (petitioner herein-A3) and on the instructions of A1, she along with A3, used to sell drugs to the needy customers.

3. Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that the petitioner was not shown as an accused in the FIR, but on the confession of A-2, she was shown as A3 in the remand report of A2. She had nothing to do with the alleged offences, no contraband was seized from her possession. She was the wife of A1 and was blessed with a baby boy on 22.11.2022. The police implicated her in the case only at the instance of A2, and prayed to enlarge the petitioner on anticipatory bail in the event of her arrest in Crime No.169 of 2024.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that as per the remand report of A2, A1 used to give MDMA powder to A2 as well as to his girl friend Indira @ Indu (petitioner herein), shown as A3, and was selling through them to the needy customers. As such, her role in the crime need to be investigated.

6. Perused the record. Considering that the petitioner was not present at the scene of offence and even as per the confession of A2, she was not the person who supplied the contraband to A2 and she was implicated in the case basing on the confession of A2 which was inadmissible under law and as there were no criminal antecedents reported against her, it is considered a fit case to grant anticipatory bail to the petitioner- A3.

7. Accordingly, the Criminal Petition is allowed and the petitioner-A3 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner-Accused No.3 is directed to surrender before the Station House Officer, Narsingi Police Station, Cyberabad, within a period of 15 days from the date of this order. On

such surrender, the said Station House Officer shall release the petitioner on bail, on her executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.

- 2) The petitioner-Accused No.3 shall abide by the conditions stipulated under Section 438 (2) of Cr.P.C and shall co-operate with the Investigating Officer in investigation of the case.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

February 28, 2024

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