

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2290 OF 2024

ORDER:

This criminal petition is filed under Section 438 Cr.P.C. by the petitioner – accused No.2 for grant of anticipatory bail in Crime No.111 of 2023 on the file of the Station House Officer, P.S., Excise Dhoolpet, Hyderabad, registered for the offence under Section 8(c) read with Section 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution was that on 19.06.2023 the Prohibition and Excise Inspector, AC Enforcement on receipt of reliable information that one person was selling ganja illegally, proceeded along with the excise officials to the house of accused No.1 and on search of the house, found a black polythene cover containing 1.7 kgs of ganja. On enquiry, accused No.1 confessed that his sister by name Suman Bai W/o.Gopal Singh (petitioner herein) gave him the polythene cover and admitted that he was selling ganja to the needy customers. Basing on the said confession-cum-seizure panchanama, the case was registered against accused Nos.1 and 2.

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

4. Learned counsel for the petitioner submitted that no contraband was seized from the possession of the petitioner, it was seized from accused No.1. The petitioner had nothing to do with the alleged seizure. She was implicated on the basis of the confession statement of accused No.1. The police had not collected any material substantiating her implication as accused No.2 and relied upon the judgment of the Hon'ble Apex Court in *Vijay Singh v. The State of Haryana*¹.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that the petitioner was a supplier and a case was registered under NDPS against the petitioner.

6. Perused the record and the judgment of the Hon'ble Apex Court in **Vijay Singh's** case (supra), wherein also as per the facts of the said case, no material was seized from the possession of the petitioner and was implicated basing on the confession of co-accused, the petitioner was enlarged on anticipatory bail and the facts and circumstances of

¹ SLP(crl.) No.1266/2023, dt.17.05.2023

this case are also similar to the facts and circumstances of the case relied by the learned counsel for the petitioner, it is considered fit to enlarge the petitioner on anticipatory bail on certain conditions.

8. In the result, the Criminal Petition is allowed and the petitioner-accused No.2 is granted anticipatory bail, subject to the following conditions:

- i) The petitioner – accused No.2 is directed to surrender before the Station House Officer, PS Excise Dhoolpet, Hyderabad, within a period of fifteen (15) days from today, and on such surrender the Station House officer, PS Excise Dhoolpet, Hyderabad shall release the petitioner on bail on executing a personal bond for a sum of Rs.20,000/- (Rupees twenty thousand only) with two sureties for a like sum each to the satisfaction of said Station House Officer.
- ii) The petitioner – accused No.2 shall abide by the other conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G. RADHA RANI, J

Date: 29.02.2024

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