

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2337 of 2024

ORDER:

This Criminal Petition is filed by the petitioner/A3 under Section 438 of Cr.P.C. for grant of anticipatory bail in Crime No.101 of 2024 of Karimnagar II Town Police Station, Karimnagar District, registered for the offence punishable under Section 20(b)(ii)(A) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution, in brief, was that on 06.02.2024 at 19:00 hours, the Sub-Inspector of Police, Karimnagar II Town Police Station, lodged a report, stating that on receiving credible information that two persons were carrying ganja towards Manakammathota from Karimnagar Kaman side, he along with his staff and two mediators went to the spot and found two persons going on a bike under suspicious circumstances, stopped them and on enquiry, they revealed their names as Mathangi Vamshi (A1) and Avunuri Vamshi (A2) and he seized five packets of dry ganja, each weighing 20 grams, total 100 grams from their possession. On his enquiry, A1 and A2 stated that they purchased the dry ganja from A3. A1 and A2 were remanded to judicial custody.

3. Heard the learned counsel for petitioner/A3 and the learned Additional Public Prosecutor representing the respondent-State.

4. Learned counsel for the petitioner/A3 submitted that the petitioner/A3 belonged to a downtrodden community, he was a student, he was not having any criminal antecedents, no contraband was seized from his possession and relied upon the judgment of the Hon'ble Apex Court in ***Vijay Singh v. The State of Haryana***¹ and prayed to grant anticipatory bail to the petitioner/A3.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner/A3 stating that the petitioner/A3 was alleged to be the supplier of the contraband as per the confession of A1 and A2.

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 contraband was seized from the possession of the petitioner therein and as the petitioner was not present at the scene of offence, anticipatory bail was granted by the Hon'ble Apex Court and the facts of this case are also similar to the facts

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

of the case relied by the learned counsel for the petitioner/A3, it is considered fit to enlarge the petitioner/A3 on anticipatory bail with certain conditions.

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/A3 is directed to surrender before the Station House Officer, Karimnagar II Town Police Station, Karimnagar District, within a period of 15 days from the date of this order. On such surrender, the said Station House Officer shall release the petitioner/A3 on bail, on his 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/A3 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C and shall co-operate with the Investigating Officer in investigating the case.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 01.03.2024
ssp

Dr. G. RADHA RANI, J

