

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2546 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.1 under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), to release him on regular bail in Crime No.421 of 2023 on the file of Moinabad Police Station, Ranga Reddy District, registered for the offences punishable under Sections 20(b)(ii)(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) and 120-B of Indian Penal Code, 1860 (for short, ‘IPC’).

2. The case of the prosecution in brief was that on credible information, the Sub-Inspector of Police of Moinabad Police Station, Cyberabad, on 15.12.2023 proceeded to a semi new construction plot of about 150 Square yards, situated at Moinabad Mandal along with his staff and apprehended accused Nos.2 and 3 and seized 100 Kgs, of dry ganja (total 50 bundles). Accused Nos.2 and 3 confessed that they purchased the contraband from accused No.4 and brought the same to sell to accused Nos.1 and 7. On the report of the SI, the above crime was registered. Basing on the confession of accused Nos.2 and 3, accused Nos.1 and 7 were arrested on 17.01.2024.

3. Heard the learned counsel for the petitioner-Accused No.1 and the learned Additional Public Prosecutor.

4. Learned counsel for the petitioner submitted that no contraband was seized from the possession of the petitioner/accused No.1 and no material was gathered by the Investigating Officer to connect the petitioner with the alleged offence. Except the confession of accused Nos.2 and 3, there was no other material to prove his involvement and relied upon the Judgment of the Hon'ble Apex Court in **Vijay Singh v. State of Haryana**¹, wherein the Hon'ble Apex Court granted bail to the petitioner therein from whom no recovery was shown and who was also apprehended only basing upon the confession of co-accused. He further submitted that accused No.7 was granted bail by this Court on 04.03.2024 and the petitioner was also standing on the same footing as that of accused No.7.

5. Learned Additional Public Prosecutor submitted that the petitioner was involved in total 16 cases, out of which 13 cases were pertaining to the offences under NDPS Act of similar nature and two

¹ 2023 SCC Online SC 1235

cases were pertaining to Gaming Act and one case was pertaining to Section 307 of IPC. The petitioner belonged to Dhoolpet and was purchasing the contraband from accused Nos.2 and 3, and was selling in retail to accused Nos.4 to 7. Accused No.7 was released on bail as he was not having any criminal history. But the present petitioner was having criminal history and prayed to dismiss the bail application of the petitioner.

6. Perused the record.

7. Considering that no contraband was seized from the possession of the present petitioner and accused No.7 was also granted bail and as the petitioner is also standing on the same footing as that of the accused No.7 and the past history of the petitioner had nothing to do with the present case, it is considered fit to enlarge the petitioner on bail.

8. Accordingly, the Criminal Petition is allowed and the petitioner – accused No.1 shall be released on regular bail subject to the following conditions:

- i) The petitioner/Accused No.1 shall execute a personal bond for a sum of Rs.50,000/- (Rupees

Fifty thousand only) with two sureties for a like sum each to the satisfaction of the learned XIII Additional Metropolitan Sessions Judge, Cyberabad, Ranga Reddy district at L.B.Nagar.

- ii) The petitioner/Accused No.1 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date:07.03.2024

dgr