

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.2802 of 2024

ORDER:

This Criminal Petition is filed by the petitioner/A10 under Sections 437 and 439 of Cr.P.C. for grant of regular bail in Crime No.14 of 2023 of Sarangapur Police Station, Jagtial District, registered for the offences punishable under Section 8(c) read with 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution, in brief, was that on 01.02.2023 at 9:00 hours, on credible information, while the Sub-Inspector of Police, Sarangapur Police Station along with his staff was conducting patrolling at Sarangapur, stopped an Ambulance vehicle bearing No.RJ-06-PA/6651 coming from Jagtial side on suspicion and found four bags of dry ganja weighing about 70 kgs., and A1 to A4 in the said vehicle and seized the same in the presence of panch witnesses. As per their enquiry, A1 and A2, who belonged to Rajasthan State met A5 and A6 and went to Vizag from Rajasthan State in their Ambulance vehicle where they met A7 and

A8 in Vizag. A1 transferred an amount of Rs.2,70,000/- to various accounts through online/Phonepe App for ganja as per the directions of A5. Later, A7 and A8 arranged 60 kgs of dry ganja and handed over to them. A1 and A2 along with 60 kgs of dry ganja started to Rajasthan in Ambulance. On the way, they met A3 and A4 in Warangal on 30.01.2023, where A3 and A4 arranged 10 kgs of dry ganja from unknown persons and handed over to A1 and A2. A3 and A4 accompanied them to see that they would cross the Telangana border safely. It was further stated that as per the confession of A1 and A2, earlier also, they met A9 who introduced A3 to them and A3, A4 and A10, who belonged to Thurputhanda Village of Kuravi Mandal of Mahabubabad District, took an amount of Rs.2,30,000/- from A1 through Phonepe for ganja and arranged 10 kgs of dry ganja and gave it to A1 and A2. The petitioner/A10 was apprehended on 08.02.2024 and was produced before the Court.

3. Heard the learned counsel for petitioner/A10 and the learned Additional Public Prosecutor representing the respondent-State.

4. Learned counsel for the petitioner/A10 submitted that the petitioner/A10 was implicated basing on the confession of A1 to A4. He had nothing to do with the contraband. The contraband was not seized from the possession of the petitioner/A10 and prayed to enlarge the petitioner/A10 on bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner/A10 stating that a commercial quantity of dry ganja was seized from the possession of A1 to A4 and the petitioner/A10 was also part of their conspiracy.

6. Perused the record.

7. As seen from the record, the petitioner/A10 along with A3 and A4 arranged 10 kgs of dry ganja to A1 and A2 on an earlier occasion but no case was registered against the petitioner/A10 for the said offence. In the present case, no role was attributed to petitioner/A10 in procuring the contraband or handing over to A1 and A2. Hence, it is considered fit to enlarge the petitioner/A10 on bail with certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner/A10 shall be released on bail subject to the following conditions:

- 1) The petitioner/A10 shall execute 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 the II Additional Judicial Magistrate of First Class at Jagtial.
- 2) The petitioner/A10 shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 14.03.2024
ssp

Dr. G. RADHA RANI, J