THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2834 OF 2024

O R D E R:

This Criminal Petition is filed under Section 438 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking anticipatory bail to the petitioner-Accused No.2 in C.O.R. No.11 of 2024 on the file of the Excise Police Station, Dhoolpet, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(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 08.01.2024 at 8:00 P.M., on receipt of credible information about illegal possession of dry ganja, a woman SI of ESTF along with her staff proceeded to the road, in front of Ambika wines, Jiyaguda, Kameli, Hyderabad and noticed A1 sitting on a black colour Honda Shine bearing No. AP13Q2985 and on checking the red colour luggage bag found dry ganja in two white polythene covers, on weighing found them to be 2.230 Kgs and 2.780 Kgs, in total 5.010 Kgs. of dry ganja in it. On enquiry, A1 revealed that the ganja belonged to his owner by name, Shanker Singh (petitioner herein) and his owner brought the ganja from a stranger in Achampet. Basing on the said report, the above crime was registered and A1 was apprehended, brought along with the contraband and handed over to SHO Dhoolpet.

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

4. Learned counsel for the petitioner submitted that except the confession of A1, there was no other material to connect the petitioner with the alleged offence. The police officials falsely implicated the petitioner in the case. A1 was enlarged on regular bail by the II Additional Metropolitan Sessions Judge vide Crl.M.P.No.666 of 2024 dated 23.02.2024. The contraband alleged to be seized from the possession of A1 was also intermediary quantity and prayed for grant of anticipatory bail to the petitioner.

5. Learned Additional Public Prosecutor stated that no criminal antecedents were reported against the petitioner-A2.

6. Perused the record. Considering the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor as no contraband was seized from the possession of the petitioner-A2 and he was only implicated basing on the confession A1 and only an intermediary quantity of contraband dry ganja was seized from the possession of A1 and as A1 was also enlarged on bail, it is considered fit to enlarge the petitioner on anticipatory bail on certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner - accused No.2 shall be released on anticipatory bail subject to the following conditions:

1) The petitioner-Accused No.2 is directed to surrender before the Station House Officer, Excise Police Station, Dhoolpet, 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 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-Accused No.2 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

March 18, 2024
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