

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.2910 OF 2024

ORDER:

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.5 in Crime No.421of 2023 on the file of the Station House Officer, Moinabad, Ranga Reddy District, registered for the offence punishable under Section 20(b)(ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) and 120-B IPC.

2. The case of the prosecution in brief was that on 15.12.2023 at 4.30 hours, on reliable information about the presence of two persons at a newly constructed plot in AMR Venture situated at the outskirts of Surangal village, Moinabad Mandal, Ranga Reddy District and that they were in possession of the contraband dry ganja, the Sub-Inspector of Police, Moinabad, informed the same to the ACP, Chevella and proceeded to the said place and found a person in Swift Dzire car bearing No.TS 35 E 5279 and another person on a Scooty at the said plot. They found 50 bags of ganja in the dickey of the car, each bag weighing 2 kgs., total 100 kgs. On interrogation, the person in the car

stated his name as Bhawar Khan and that on 10.12.2023, he went to Padam Pura near Raya Ghada in Odisha and purchased 100 kgs., of dry ganja from one Manoj and returned to Hyderabad in the said car and on reaching Ramoji Film City in the mid night, he called one Sunil Singh, who stated that he would sent his brother and asked him to come to AMR Venture in Moinabad, Surangal. When he went there, Nitish Singh, the younger brother of Sunil Singh, was present and when he was about to handover 100 kgs., of dry ganja, the Moinabad Police caught hold them. On enquiry, Nitish Singh stated that he and his family members, including the petitioner herein, used to buy dry cannabis and sell it at higher prices in different parts of Hyderabad and earn money. The police apprehended both the said persons along with the contraband dry ganja, seized the vehicles and brought them to the police station and lodged the report.

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

4. Learned counsel for the petitioner submitted that the petitioner was implicated as an accused basing on the confession of Accused Nos.2 and 3 from whose possession the contraband dry ganja

was seized. There was no other material collected by the Investigating Officer to connect the petitioner with the offence. The other accused persons i.e. A1, A4 and A7 were granted regular bail by this Court and prayed to enlarge the petitioner on anticipatory bail.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner.

6. Perused the record. Considering that A1, A4 and A7 were enlarged on bail on the ground that no contraband was recovered from their possession and basing upon the confession of A2 and A3, their names were implicated and the name of the petitioner-A5 was also implicated only upon the confession of A2 and A3 and the present petitioner being a woman and no contraband was alleged to be seized from her possession, it is considered fit to enlarge the petitioner on anticipatory bail on certain conditions.

7. Accordingly, the Criminal Petition is allowed and the petitioner-A5 is granted anticipatory bail subject to the following conditions:

1. The petitioner-Accused No.5 is directed to surrender before the Station House Officer, Moinabad Police

Station, Ranga Reddy 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 on bail, on her 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.5 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

March 18, 2024
KTL

Dr. G.RADHA RANI, J