

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3102 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.6 in Crime No.43 of 2024 on the file of Bahadurpura Police Station, Hyderabad, registered for the offence under Section 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).

2. The case of the prosecution in brief was that on 29.02.2024 at 18.45 hours, the Sub Inspector of Police, Bahadurpura Police Station lodged a report stating that at about 15.00 hours, he received credible information that five persons were consuming ganja near Metro Cinema Theatre, Bahadurpura and believing the same as true, on compliance of Section 42 (2) of the NDPS Act, he along with his staff proceeded to the said place and found five persons consuming ganja filled in OCB papers and apprehended them. On enquiry, they stated that they had purchased the ganja from one Iftequar (petitioner herein) and Rizwan Shah. The police apprehended A1 to A5 and

seized three OCB papers and loose ganja in small packets from their possession.

3. Basing on the said report, the above crime was registered for the above offence.

4. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent-State.

5. Learned counsel for the petitioner submitted that the petitioner was figured in the above crime as accused No.6 basing upon the confession of A1 to A5. The petitioner was not present at the scene of offence, no contraband was recovered from his possession and prayed for grant of anticipatory bail to the petitioner.

6. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner stating that the petitioner was the supplier of contraband as per the confession of A1 to A5.

7. Perused the record. Considering that the petitioner was not found at the scene of offence and his name was implicated only basing upon the confession of A1 to A5 and only a small quantity of ganja was

recovered from the possession of A1 to A5, it is considered fit to grant anticipatory bail to the petitioner on certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner-A6 is granted anticipatory bail subject to the following conditions:

1. The petitioner-A6 is directed to surrender before the Station House Officer, Bahadurpura Police Station, Hyderabad District within a period of (15) days from the date of this order and 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.15,000/- (Rupees fifteen thousand only) with two sureties for a like sum each to the satisfaction of the said Station House Officer.
2. The petitioner-accused shall abide by the conditions stipulated under Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

March 21, 2024
KTL

Dr. G.RADHA RANI, J