

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3285 of 2024

ORDER:

This Criminal Petition is filed by the petitioner/A1 under Sections 437 and 439 of Cr.P.C. for grant of bail in Crime No.894 of 2023 of Shadnagar Police Station, Cyberabad, registered for the offences punishable under Sections 8(c) read with 22(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution, in brief, was that on 25.12.2023, at about 09:00 hours, the Sub-Inspector of Police, Shadnagar Police Station, on credible information about a person selling Alprazolam at Sakkubai Nilayam, near Akula Malleshham Function Hall, New City Colony, Parigi Road, Shadnagar, Ranga Reddy District, proceeded to the said place along with staff and panch witnesses and found A2 coming there in a car without number at about 10:00 hours and stopped in front of the house of A3 i.e. Sakkubai Nilayam and got down from the car with a bag in a suspicious manner. Meanwhile, A4 came to the car from the compound and

while they both were chitchatting each other, she along with her team apprehended them and seized 2 kgs of Alprazolam from the possession of A2. A2 in his confession stated that the same was purchased from the petitioner/A1. A2 and A4 were produced before the Court. Subsequently, A1 who was arrested in Crime No.364 of 2023 of Medak Town Police Station on 25.12.2023 was produced on P.T. warrant in the present case on 03.02.2024.

3. Heard the learned counsel for petitioner/A1 and the learned Additional Public Prosecutor representing the respondent-State.

4. Learned counsel for the petitioner/A1 submitted that only basing on the confession of A2, the petitioner/A1 was implicated in this case. The confession of A2 before the police was not admissible in evidence and relied on the judgment of the Hon'ble Supreme Court in *Tofan Singh v. State of Tamil Nadu*¹.

5. Learned Additional Public Prosecutor on the other hand opposed grant of bail to the petitioner/A1 stating that the petitioner was the main person, who supplied the contraband to A2. He further submitted that A2 was an Excise Constable got acquainted

¹ (2021)4 SCC 1

with A1 and supplying the said contraband to the toddy shop owners. The petitioner was also involved in Crime No.364 of 2023. As such, the petitioner was not entitled for grant of bail.

6. Perused the record.

7. Considering that no contraband was seized from the possession of the petitioner/A1 and he was alleged to be the supplier of the contraband and only basing upon confession of A2, he was cited as an accused in this case and was produced on P.T. warrant without any recovery and as A4 in the present case was also granted bail by this Court observing that no contraband was recovered from his possession and the petitioner/A1 also stands on the same footing, it is considered fit to enlarge the petitioner/A1 on bail with certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner/A1 shall be released on bail subject to the following conditions:

- 1) The petitioner/A1 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 Additional
Judicial First Class Magistrate, Shadnagar.

- 2) The petitioner/A1 shall abide by the
conditions stipulated under Section 437(3) of
Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 26.03.2024
ssp

Dr. G. RADHA RANI, J