

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3295 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.6 under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), for grant of anticipatory bail in the event of his arrest in Crime No.67 of 2020 on the file of Excise Police Station, Ameerpet, Hyderabad District, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(A) and Section 21(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 07.09.2020 on reliable information, the Prohibition and Excise Sub-Inspector of A.C. Enforcement, Hyderabad under the supervision of the Prohibition and Excise Inspector along with staff proceeded to H.No.7-1-304/2A, Flat No.7, 3rd floor, Grace Villa Apartment, Ravindra Nagar, B.K.guda, SR Nagar, Hyderabad and found accused Nos.1 to 3 at the said place and seized 46 Ecstasy pills weighing 16.4 grams, 2 grams of MDMA and 10 grams of Charas from the possession of accused Nos.1 to 3. They also seized Hyundai i10 Car

and one Honda Activa which was used for transportation of Narcotic Drugs along with mobile phones of the accused persons. On further enquiry with A1 to A3, the involvement of A4 to A7 was also revealed. Basing on the confession cum seizure panchanama, the above crime was registered by the Excise Police Station, Ameerpet. Accused Nos.1 to 3 were arrested on 07.09.2020. Accused Nos.4 to 7 were shown as absconding.

3. Heard the learned counsel for the petitioner-Accused No.6 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner-accused No.6 submitted that no specific allegations were made against the petitioner-accused No.6, but only basing on the confessional statement of accused Nos.1 to 3, the name of the petitioner-accused No.6 was incorporated as one of the accused. Accused No.6 was a student. He was never involved in such offences. He was falsely roped by the other accused. Accused No.7 was granted anticipatory bail. Accused No.6 also would stand on the same footing as that of A7 and prayed for grant of anticipatory bail to the petitioner.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner-accused No.6 stating that as per the confession of accused Nos.1 to 3, accused No.6 also travelled along with them to Goa for purchase of the contraband.

6. Perused the record.

7. Considering that the crime is pertaining to the year 2020 and no contraband was alleged to be seized from the possession of the present petitioner herein and his role was also not specifically stated by the Investigating Officer and the accused No.7 who also stands on the same footing as that of accused No.6 was granted anticipatory bail by this Court, it is considered fit to grant anticipatory bail to the petitioner-accused No.6.

8. Accordingly, the Criminal Petition is allowed directing the petitioner/accused No.6 to be released on anticipatory bail subject to the following conditions:

- i) The petitioner-Accused No.6 is directed to surrender himself before the Station House Officer, Excise Police Station of Ameerpet, Hyderabad 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-accused No.6 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.

- ii) The petitioner/Accused No.6 shall abide by the conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date:22.04.2024

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