

**THE HONOURABLE DR.JUSTICE G.RADHA RANI**

**CRIMINAL PETITION No.3597 OF 2024**

**ORDER:**

This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”) seeking regular bail to the petitioner/Accused No.3 in Crime No.57 of 2023 on the file of Station House Officer, Mirchowk Police Station, Hyderabad, registered for the offence punishable under Section 8(c) read with 20 (b) (ii) (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).

2. The case of the prosecution in brief was that on 03.03.2023 at 13:30 hours on receipt of credible information about transportation of Ganja from Suryapet to Hyderabad in a red color Hyundai Xcent car, the Sub Inspector of Police (in short SI), Mirchowk Police Station proceeded to MGBS outgate, Kalikaber, Hyderabad along with her staff and panch witnesses and at 14:20 hours found the red color Hyundai Xcent car bearing No.TS-10-EY-5439 coming from Chaderghat and stopped the car and noticed a person driving the car. They stopped and enquired about his particulars and stated the information received by them. On search of the car, they found 12 packets each weighing about 2 kgs wrapped in brown color tape concealed in a polymer bag with a pungent smell. On enquiry with the driver, he stated his name as Lavoori Nagaraju and that he procured the contraband Ganja from Suryapet along with his associates namely 1). L.Santhosh and 2)

Amgoth Naga Raju (the present petitioner herein). The S.I. recorded the confession cum seizure panchanama of L.Nagaraju and seized the contraband 24 kgs of dry ganja under the cover of panchanama and brought him to the Police Station and lodged the report. The apprehended person L.Nagaraju was shown as A-2 and L.Santhosh and A.Nagaraju were shown as A-1 and A-3.

3. Basing on the said report, the above crime was registered against A-1 to A-3 for the offences punishable under Sections 8(c) read with 20 (b) (ii) (C) of the NDPS Act. The petitioner/A3 was produced on P.T warrant in the present case on 22.02.2024.

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

5. Learned counsel for the petitioner/A3 submitted that no contraband was seized from the possession of the A3. His name was implicated only basing upon the confession of A2. The petitioner/A3 was in custody since more than 05 months in Khammam jail and prayed to enlarge the petitioner on bail.

6. Learned Additional Public Prosecutor on the other hand opposed grant of bail to the petitioner stating that he was a habitual offender, he was shown as supplier of the contraband. He was also involved in six other cases of similar nature.

7. Perused the record.
8. Considering that no contraband was seized from the possession of petitioner/A3 and his name is incorporated only basing upon the confession of A2, wherein also A-2 stated that he procured the contraband along with his associates but had not given any other particulars from where they procured the contraband or the role played by the present petitioner/A3 to verify the same, it is considered fit to enlarge the petitioner on bail on certain conditions.
9. Accordingly, the Criminal Petition is allowed and the petitioner-accused No.3 shall be released on regular bail subject to the following conditions:
- i) The petitioner-Accused No.3 shall execute 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 learned I Additional Metropolitan Sessions Judge, Nampally, Hyderabad.
  - ii) The petitioner/Accused No.3 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

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**Dr. G.RADHA RANI, J**

Date: 03.04.2024  
dsv

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**CRIMINAL PETITION No.3597 OF 2024**

**Dated:03.04.2024**

**dsv**