

THE HONOURABLE Dr.JUSTICE G. RADHA RANI

CRIMINAL PETITION No.3763 of 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.2 under Section 438 of Code of Criminal Procedure to enlarge him on anticipatory bail in the event of his arrest in connection with C.O.R.No.34 of 2022 of Excise Police Station, Secunderabad, registered for the offences under Sections 8(c) read with 20 (b) (ii) (B) read with Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).

2. The case of the prosecution in brief was that on 8.5.2022 at 7.30 PM, on reliable information, the STF, Hyderabad and the Station House Officer, Secunderabad formed into a team and proceeded to Secunderabad Railway Station and in front of the HP Petrol Pump, besides Alfa Hotel, found A1 in possession of three ganja packets weighing 7.197 kgs., and three Narcotic Injection drug packets of each 1 ml., for the purpose of sale. On enquiry, A1 confessed that he along with four other accused i.e. A2 to A5 was selling the drugs and were distributing profits among themselves. A1 was apprehended and was produced before the

Court along with the seized contraband and a report was lodged. Basing on the said report, the above crime was registered. Subsequently, A3 was also arrested on 24.02.2024.

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

4. The learned counsel for the petitioner submitted that no contraband was seized from the possession of the petitioner. The name of the petitioner was implicated as per the confession of A1. No further material was gathered by the Investigating Officer to connect the petitioner with the alleged crime and relied upon the judgment of the Hon'ble Apex Court in **Sanjeet Kumar Singh @ Munna Kumar Singh v. State of Chhattisgarh¹**.

5. Learned Assistant Public Prosecutor opposed grant of anticipatory bail to the petitioner as he was involved in an offence under NDPS Act.

6. Perused the record. Considering that no contraband was seized from the possession of the petitioner and the name of the petitioner came to light only basing on the confession of A1 and the offence also

¹ 2022 LiveLaw (SC) 724

took place long back on 08.05.2022 and since then also no further investigation was conducted by the Police to show the involvement of the petitioner in the offence, it is considered a fit case to enlarge the petitioner on anticipatory bail conditionally.

7. In the result, the Criminal Petition is allowed and the petitioner – A2 is granted anticipatory bail subject to the following conditions:

(i) The petitioner – A2 is directed to surrender before the Station House Officer, Excise Police Station, Secunderabad, 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 – A2 on bail on his executing a personal bond for Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties for the like sum each to the satisfaction of the said Station House Officer.

(ii) The petitioner – A2 shall comply with the conditions stipulated under Section 438(2) of Cr.P.C.

As a sequel, miscellaneous applications pending in this petition, if any shall stand closed.

Dr. G. RADHA RANI, J