

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3838 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner-Accused No.4 under Sections 437 & 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) for grant of regular bail in Crime No.471 of 2023 of P.S. Jeedimetla, Cyberabad, registered for the offence under Section 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 12.06.2023, A1 and A2 were apprehended while transporting ganja of about 758 Kgs. illegally in DCM Eicher vehicle No.MH25U0246. During the interrogation, A1 and A2 confessed that they were transporting ganja illegally from Odisha to Sholapur of Maharashtra State as directed by A3-Chandrasekhar of Jaipur to handover the vehicle with load to a person at Sholapur and A3-Chandrasekhar also informed that one Parvez (petitioner herein) would meet them in Jeedimetla area and directed to handover part of the ganja to him. The petitioner-A4 was arrested on 02.11.2023 in the present crime.

3. Heard learned counsel for the petitioner/A4 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that no contraband was seized from the possession of the petitioner. His name was implicated only basing upon the confession statement of A1 and A2. Except the confession of A1 and A2, there was no other admissible evidence against the petitioner herein and relied upon the judgment of the Hon'ble Apex Court in **Tofan Singh Vs. State of Tamil Nadu**¹.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the petitioner was also involved in another case in Crime No.98 of 2023 of P.S. Langer House, which was also registered for the offences under NDPS Act and as such, the petitioner was not entitled for grant of bail.

6. Perused the record. Considering that no contraband was seized from the possession of the petitioner herein and he was implicated in the present case only basing upon the confessions of A1 and A2, which were not admissible, as per the judgment of the Hon'ble Apex Court in **Tofan Singh Vs. State of Tamil Nadu** (supra) and the petitioner was granted bail in the other crime also as no contraband was recovered from his possession and as the petitioner is in custody since 02.11.2023, it is

¹ 2021 (2) SCC (Crl.) 246

considered fit to enlarge the petitioner-A4 on bail on certain conditions.

7. Accordingly, this Criminal Petition is allowed and the petitioner/Accused No.4 shall be released on regular bail subject to the following conditions:

- i) The petitioner/Accused No.4 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 VIII Additional Metropolitan Magistrate, Medchal, Cyberabad.
- ii) The petitioner/Accused No.4 shall abide by the conditions stipulated in Section 437(3) of Cr.P.C..

Miscellaneous applications, pending if any, shall stand closed.

Date: 18.04.2024
ss

Dr. G.RADHA RANI, J