

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3890 OF 2024

ORDER:

This Criminal Petition is filed by the petitioners – Accused Nos.6 and 7 under Section 438 of Code of Criminal Procedure, 1973 (for short “Cr.P.C”), for grant of anticipatory bail in the event of their arrest in Crime No.29 of 2024 on the file of Nalgonda I Town Police Station, Nalgonda District, registered for the offences punishable under Sections 420, 406 of Indian Penal Code, 1860 (for short, ‘IPC’) and Section 8(c) read with 22(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 02.02.2024 at 5:00 hours, on credible information about one Mohammed Zabee Ullah (accused No.1) was in possession of Spasmo Proxyvon Plus, Ultra King and Tramadex Injections without any prescriptions by doctors at his house located at Rahaman Bagh Colony, Nalgonda Town, the Sub-Inspector of Nalgonda I Town Police Station proceeded to the said place along with his staff and apprehended accused No.1. On interrogation, accused No.1 admitted

that he was addicted to drugs for the past three years and used to take 4-5 tablets daily along with his friends khaji, Abbanaboina Nagaraju, Shabaaz (accused No.6) and Mohammed Abdul Hafeez (accused No.7) the present petitioners herein. He used to purchase the said tablets from one Thoudoju Naresh (accused No.2) Owner of New Health Care Pharmacy without Doctor Prescription and used to sell them to one Mohammed Salman. Later Mohammed Salman also started to purchase the said tablets directly from accused No.2. The Sub-Inspector of Police recorded the confession cum seizure panchanama of accused No.1 and at the instance of accused No.1, arrested accused Nos.2 and 3. The accused Nos.4, 6 to 8 are shown as absconding. Accused Nos.5 and 9 are arrested on 15.02.2024.

3. Heard the learned counsel for the petitioners-Accused Nos.6 and 7 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioners-accused Nos.6 and 7 submitted that except the confession of accused No.1, no admissible evidence was gathered against the petitioners herein to prove their involvement in the present crime. The offences under Sections 420

and 406 of IPC were not applicable to the petitioners. The accused Nos.1 and 3 were also granted bail and prayed to enlarge the petitioners on anticipatory bail.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioners-accused Nos.6 and 7 stating that they were also consuming drugs along with accused Nos.1 and 3 in their room attracting the offences under NDPS Act and hence, they were not entitled for grant of anticipatory bail.

6. Perused the record.

7. Considering that the allegations made against the petitioners were that they were consumers of drugs along with accused Nos.1 and 3, but no other evidence was gathered against the petitioners showing their involvement in the present crime except the confession of accused No.1 and accused No.3 made before the police, which was not admissible in law and no contraband was recovered from the possession of the petitioners herein, it is considered fit to grant anticipatory bail to the petitioners herein.

8. Accordingly, the Criminal Petition is allowed directing the petitioners/accused Nos.6 and 7 to be released on anticipatory bail

subject to the following conditions:

- i) The petitioners-Accused Nos.6 and 7 are directed to surrender before the Station House Officer, Nalgonda I Town Police Station, Nalgonda District, within a period of (15) days from the date of this order. On such surrender, the said Station House Officer shall release the petitioners on bail, on their executing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer.
- ii) The petitioners/Accused Nos.6 and 7 shall abide by the conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:18.04.2024
dgr

Dr. G.RADHA RANI, J