

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3951 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.3 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.349 of 2019 on the file of Station House Officer Prohibition and Excise Station, Dhoolpet, Hyderabad District, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(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 26.05.2019 at 4:00 PM, the Prohibition and Excise Inspector along with staff of S.H.O Dhoolpet, Hyderabad detected a case of illegal possession, sale and transportation of dry ganja on the road beside Sai Baba Mandir, Machlipura, Dhoolpet, Hyderabad and seized 2kgs of loose dry ganja in a black plastic cover, Rs.33,000/- of sale proceeds and one Hero Honda Splendor bike bearing No. AP 13 K 7342 from the possession of accused Nos.1 and 2. As per the confession of accused Nos.1 and 2, they revealed that they purchased the dry ganja from one Mahender Singh (the present petitioner herein) shown as accused No.3. A1 and A2 were

arrested and produced before the Court.

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

4. Learned counsel for the petitioner-accused No.3 submitted that the case was pertaining to the year 2019 but no charge-sheet was filed till date, no further investigation was conducted. Basing on the confession of A1 and A2, the name of the present petitioner was shown as A3, the said confession made before the police by accused Nos.1 and 2 was inadmissible in law and prayed to enlarge the petitioner-accused No.3 on anticipatory bail.

5. Learned Additional Public Prosecutor reported that the investigation was not yet completed and charge-sheet was not filed.

6. Perused the record.

7. Considering the submissions of both the learned counsel as the case is pertaining to the year 2019 and no contraband was seized from the possession of the present petitioner herein and his name was incorporated only basing on the confession of accused Nos.1 and 2 which was inadmissible in law, it is considered fit to enlarge the

petitioner-accused No.3 on anticipatory bail.

8. Accordingly, the Criminal Petition is allowed directing the petitioner/accused No.3 to be released on anticipatory bail subject to the following conditions:

- i) The petitioner-Accused No.3 is directed to surrender himself before the Station House Officer, Prohibition and Excise Station, Dhoolpet, 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.3 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.3 shall abide by the conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:22.04.2024
dgr

Dr. G.RADHA RANI, J