

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.3968 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner-Accused No.3 under Sections 437 & 439 of Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) for grant of regular bail in Crime No.26 of 2024 of Burgampahad Police Station, Bhadradri Kothagudem District, registered for the offences under Sections 8(c) read with 20(b)(ii) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’).

2. The case of the prosecution in brief was that on 31.01.2024 at 15.30 hours, the Sub-Inspector of Police, Burgampahad Police Station, lodged a report stating that while he was checking the vehicles at Manugur X Roads, found a Honda Amaze car bearing registration No.TS 28 M 4465 and a pulsar bike bearing registration No.TS 28 M 0920, which was in front of the car, turned back and tried to escape, the police chased and stopped the vehicles. They found two persons inside the car and the motorcyclist. On interrogation, they admitted that they were in possession of ganja. The police seized 26.06 grams of ganja packed in 10 packets from the Honda Amaze car. The accused persons shown as A4 and A5 and Juvenile in Conflict with law (JCL) confessed that they purchased the ganja from A7 and A8 with the financial assistance of A1 to A3 and with

the help of A6. They further stated that A3 Shaik Anwar- petitioner herein had given financial support and arranged his vehicle Honda Amaze car for transportation of ganja. Basing on the said report, the above crime was registered. The petitioner was arrested on 31.01.2024.

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

4. Learned counsel for the petitioner submitted that there was no material to connect the petitioner with the alleged crime except the confession of other accused, which was inadmissible. The petitioner was neither in possession of the contraband nor transporting the said contraband. The vehicle Honda Amaze car only belonged to the petitioner. The petitioner was in custody for the past 80 days and prayed to enlarge the petitioner on regular bail.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner.

6. Perused the record. Considering that no contraband was seized from the possession of the petitioner herein and his role was stated to be that he was financially supporting the other accused and that he provided his car to them, but no evidence was collected by the Investigating Officer

to show that the petitioner-A3 had given financial support to the other accused except providing the car and that no criminal antecedents were reported against him and as he was in judicial custody for the past 80 days, it is considered fit to grant regular bail to the petitioner on certain conditions.

7. Accordingly, this 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) each with two sureties for a like sum each to the satisfaction of the I Additional Sessions Judge (Special Court for cases under NDPS Act), Kothagudem.
- 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.

Date: 18.04.2024
KTL

Dr. G.RADHA RANI, J