

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.4191 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.1 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.65 of 2024 on the file of Husnabad Police Station, Siddipet 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 12.04.2024 at 9:00 hours on credible information that two persons were coming from Husnabad for selling Ganja, the Sub-Inspector of Police of Husnabad Police Station entered the same in GD and after intimating his superiors, along with his staff and panch witness proceeded to the said place and apprehended accused Nos.2 and 3 who were proceeding on a TVS Vehicle bearing No.AP-15-AA-4604 and seized 1.58 Kgs of dry ganja from their possession. On enquiry, they stated that they brought the said contraband from Bheemadevarapalli Mandal Vantimamidi Thanda from Bhukya Ramesh (the present petitioner herein) and were

selling in and around Husnabad Mandal. The Sub-Inspector apprehended the accused Nos.2 and 3 and brought them to the police station, registered a case and produced them before the Court.

3. Heard the learned counsel for the petitioner-Accused No.1 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner-accused No.1 submitted that no contraband was seized from the possession of the petitioner. Only basing upon the confession of accused Nos.2 and 3, his name was incorporated. The said confession was inadmissible under law and prayed to enlarge the petitioner on anticipatory bail.

5. Learned Additional Public Prosecutor reported no criminal antecedents against the petitioner.

6. Perused the record.

7. Considering the submissions of both the learned counsel as there was no admissible evidence against the petitioner-accused No.1 except the confession of accused Nos.2 and 3, which was inadmissible in law and no contraband was seized from his possession and no criminal antecedents were reported against him, it is considered fit to

enlarge the petitioner-accused No.1 on anticipatory bail.

8. Accordingly, the Criminal Petition is allowed directing the petitioner/accused No.1 to be released on anticipatory bail subject to the following conditions:

- i) The petitioner-Accused No.1 is directed to surrender himself before the Station House Officer, Husnabad Police Station, Siddipet 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.1 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.1 shall abide by the conditions stipulated in Section 438(2) of Cr.P.C.

Miscellaneous applications, pending if any, shall stand closed.

Date:24.04.2024
dgr

Dr. G.RADHA RANI, J