

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.4189 of 2024

ORDER:

This Criminal Petition is filed by the petitioner/A2 under Sections 437 and 439 of Cr.P.C. for grant of bail in Crime No.28 of 2024 of Bollarum Police Station, Hyderabad, registered for the offences punishable under Sections 8(c) read with 22(c), 27 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution, in brief, was that on 01.03.2024 at 16:30 hours on credible information about some persons consuming LSD Blots at Ammuguda Chowrasta, Bollarum, Secunderabad, the Sub-Inspector of Police, Bollarum along with his staff, informant and panch witnesses proceeded to the said place. The informant identified eight persons near Ammuguda Chowrasta. On seeing the police, they tried to escape. The police chased them and nabbed four persons. The remaining four persons escaped. On enquiry with the four persons, the Sub-Inspector came to know that A1 was a peddler and he seized 11 Blots of LSD weighing about 0.15 grams from the possession of A1. On enquiry with A1, he came to know that A5 was supplier and the other accused persons i.e. A2 to A4 and A6 to A8 were consumers.

The Sub-Inspector of Police arrested A1 to A4 and produced them before the Court on 02.03.2024.

3. Heard the learned counsel for petitioner/A2 and the learned Additional Public Prosecutor representing the respondent-State.

4. Learned counsel for the petitioner/A2 submitted that the petitioner was a resident of Nirmal Nagar, Sainikpuri, which was adjacent to Ammuguda Chowrasta. The petitioner-A2 and A3 were friends. The petitioner explained to the police that he never came across with A1 at any point of time and the question of purchasing any contraband from A1 would not arise. But the Police without hearing the version of the petitioner, included his name as A2 in the above crime and prayed to enlarge the petitioner/A2 on bail.

5. Learned Additional Public Prosecutor on the other hand opposed grant of bail to the petitioner/A2.

6. Perused the record.

7. As the remand report of A1 to A4 would show that A1 was a peddler and the petitioner/A2 was one of the consumers and it would disclose that the contraband LSD was recovered from the possession of A1, but no contraband was recovered from the possession of the petitioner and he was shown only as

a consumer and as he was in custody since 02.03.2024, it is considered fit to enlarge the petitioner/A2 on bail with certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner/A2 shall be released on bail subject to the following conditions:

- 1) The petitioner/A2 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 learned XXII Additional Metropolitan Magistrate, Secunderabad.
- 2) The petitioner/A2 shall abide by the conditions stipulated under Section 437(3) of Cr.P.C.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 23.04.2024
ss

Dr. G. RADHA RANI, J