

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.5523 of 2024

ORDER:

This petition is filed under Sections 437 and 439 of the Criminal Procedure Code seeking to release the petitioner-Accused No.3 on bail in Crime No.65 of 2024 of Husnabad Police Station, Siddipet District, registered for the offence under Section 8 (c) read with 20 (b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act, 1985').

2. Heard learned counsel for the petitioner, learned Assistant Public Prosecutor appearing for the respondent-State and perused the record.

3. The petitioner is accused No.3 in Crime No.65 of 2024 registered for the offence under Section 8 (c) read with 20 (b)(ii)(B) of the Act, 1985. The petitioner was arrested on 12.04.2024 and remanded to judicial custody. It is alleged that on receipt of credible information, the *de-facto* complainant-

Circle Inspector of Police, Husnabad Police Station went to the scene of offence and found some persons under suspicious circumstances at the back side of the godown with TVS XL Moped bearing No.AP 15 AA 4604. It is alleged that in the presence of mediators L.Ws.7 and 8, accused No.2 disclosed his identity and on being asked by L.W.1, accused No.2 opened bag containing 1.58 Kgs of dry ganja. Accused No.2 stated that he used to consume dry ganja with his associate accused No.3 and used to sell dry ganja to the needy persons in the surrounding villages by purchasing the same from accused No.1. Two days ago, accused No.2 and accused No.3 went to Vantimamidi thanda and purchased dry ganja from accused No.1 and sold it to labourers and needy persons in the surrounding villages with the assistance of accused No.3. On 12.04.2024, they both came to the back side of the old godown on the above TVS Moped to sell the remaining dry ganja, then the police apprehended them. L.W.1 recorded confession statement of accused No.2 and seized dry ganja.

4. Learned counsel for the petitioner submitted that the seized ganja is not of commercial quantity which is about 1.58 Kgs., and accused No.1 is already granted anticipatory bail by the order of this Court dated 24.04.2024 in CrI.P.No.4191 of 2024.

5. As the accused No.1 is granted bail and seized ganja is non commercial quantity, this Court is inclined to grant bail to the petitioner.

6. In view of the above, the Criminal Petition is allowed and the petitioner-accused No.3 is directed to be enlarged 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 learned Principal Judicial Magistrate of First Class, Husnabad. After release, the petitioner-accused No.3 shall appear before the concerned Station House Officer, on every alternate day at 10:00 a.m. for a period of three(3) weeks for the purpose of investigation and

thereafter, as and when required. The petitioner-accused No.3 shall abide by the other conditions stipulated under Section 437(3) of Cr.P.C.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

B. VIJAYSEN REDDY, J

Date: 23.05.2024

Lpd/Eds

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