

**THE HONOURABLE SRI JUSTICE N. TUKARAMJI**

**CRIMINAL PETITION No.5534 of 2024**

**ORDER:**

This petition is filed under Sections 437 and 439 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking grant of regular bail.

2. The petitioner is accused No.5 in Crime No.1386 of 2023 on the file of Gachibowli Police Station, Cyberabad District for the offences under Sections 8 (c), read with 22 (c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

3. I have heard Sri N. Ravi, learned counsel for the petitioner and Sri S. Sudarshan, learned Additional Public Prosecutor for the Respondent - State.

4. The accusation against the petitioner/accused No.5 is that accused Nos.1 and 2 made a statement that the contraband/alprazolam which was procured by them was from the petitioner and other accused.

5. Learned counsel for the petitioner submits that the petitioner is in judicial custody since 25.12.2023 and in the present case, he was produced on PT Warrant on 02.05.2024. He asserts that the prosecution has no other material except the alleged statement of the co-accused, which is inadmissible as per the dictum of the Hon'ble Supreme Court of India in case of "**Tofan Singh vs. State of Tamilnadu**<sup>1</sup>". In absence of any legally acceptable material, his arrest and continuance in custody would be illegal. Further submits that accused Nos.1, 2, 6 and 7 were granted bail by this Court and the Accused No.6 stands in the same footing to that of the petitioner. Thus, prayed for granting bail to the petitioner by extending the relief granted to the petitioner/accused No.5.

6. Learned Additional Public Prosecutor opposed the bail application. He pleaded that accused Nos.4, 5 and 6 are the suppliers of the contraband and the petitioner has crucial role in supplying the contraband. Additionally, the petitioner is involved in similar offences. Further submits that as of now, the statement of the petitioner and the

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<sup>1</sup> (2021) 4 SCC 1

statement of the co-accused are on file and the investigation is enduring, hence prayed for dismissal of the application.

7. I have perused the material available on record.

8. The specific accusation against the petitioner/accused No.5 is that he has supplied the contraband, which came to light on the statement of the accused from whom the complainant seized the contraband. The contest of the petitioner that except the statement of the co-accused, there is nothing against him is not appealing as the investigation is still underway. The beneficial aspect coming in favour of the petitioner is that the co-accused/accused No.6, who is facing similar accusation, has been granted bail by this Court in Criminal Petition No.3266 of 2024. Having regard to this position this Court is inclined to extend similar relief and enlarge the petitioner on bail.

9. Accordingly, the present Criminal Petition is allowed on the following conditions:

- i) The petitioner/accused No.5 shall be released on bail, subject to his executing a personal bond for Rs.50,000/- (Rupees Fifty thousand only) with two sureties for a like sum each to the satisfaction of the MSJ cum I Additional District and Sessions Judge, Ranga Reddy District at L.B Nagar.
- ii) The petitioner/accused No.5 shall communicate his residential address and contact numbers to the Investigating Officer on affidavit and changes if any from time to time, till conclusion of the case.
- iii) The petitioner/accused No.5 shall make himself available for interrogation as and when required by the police till filing of charge sheet.
- iv) The petitioner/accused No.5 shall not influence or intimidate any witnesses or tamper with the evidence of the prosecution.
- v) The petitioner/accused No.5 shall not indulge in any illegal activity.

- vi) In case the petitioner commits breach of any of the above conditions, this bail is liable to be cancelled, at the instance of the prosecution.

As a sequel, miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

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**N. TUKARAMJI, J**

Date: 06.06.2024

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