

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

CRIMINAL PETITION No.5560 of 2024

ORDER: (ORAL)

This Criminal Petition is filed, under Section 438 of the Criminal Procedure Code, 1973, seeking grant of anticipatory bail to the petitioner, who is accused No.5, in Cr.No.101 of 2024 on the file of the Station House Officer, Trimulgherry Police Station, Secunderabad, registered for the offence punishable under Sections 8c and 20 (b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

2. The case of the prosecution is that on 31.03.2024 at about 23:00 hours, the Sub-Inspector of Police, Trimulgherry Police Station, Secunderabad lodged a complaint stating that he received a credible information that one person aged about 22-27 years is coming towards Lal Bazar to deliver Ganja to his needy customers at Holy Family Junction, Trimulgherry. Believing the information true and correct, the *de facto* complainant made the GD entry and the same information was reduced into writing under Section 42(2) of the NDPS Act and sent to his superior officer through his staff.

The *de facto* complainant informed clues team to immediately come to Police Station to assist in identification of drug. They found one person under suspicious circumstances at Lal Bazar X road, Trimulgherry from Lothukunta side on foot and carrying a bag pack. Then the LWs 3 & 4 approached the suspected person by taking all precautions and stopped him. Meantime, LWs 1, 5, 6 & 7 also reached the suspect person. LW 1 introduced himself to that person and also LWs 3, 4 and 7 to him and also told him about the information received and the reason for his detention. The suspect revealed his name as Gali Yashwanth Reddy (A.1). On further enquiry, he disclosed that he is having ganja in his bag pack. LW1 asked him whether he is having any contraband in his personal possession. To that, he stated that he is not having any contraband in his personal possession. After that A.1 removed his bag pack and given to Panchas (LWs 5 and 6). They opened the bag pack and found one polythene cover containing dry leaves, flowering and fruiting top buds with pungent smell. LW7 examined the same and identified it as ganja. LW1 weighed the ganja and it is about 1200 grams. It was sealed with paper slips

containing the signatures of Panchas - LWs 5 and 6. LW1 recorded the confession of A.1 wherein it is stated that he is selling ganja since two years, which is bought from accused No.2 (Yashwanth Bandari) and he sells to needy customers.

3. Heard learned counsel for the petitioner and learned Assistant Public Prosecutor for respondent – State.

4. It is submitted by learned Public Prosecutor that name of petitioner/accused No.5 was taken by accused No.1 in his confession statement. It is stated that accused No.1 has sold ganja to several persons including petitioner/accused No.5. The accused No.5 is the consumer.

5. Learned counsel for the petitioner submitted that except the confession statement, there is no other material available with the prosecution to show complicity of the petitioner/accused.

6. In the above facts and circumstances of the case, considering the fact that there is no evidence available against the petitioner except confession statement of accused No.1 and the alleged ganja

seized is of minor quantity i.e., 1200 grams, this Court is inclined to grant anticipatory bail to the petitioner – A5.

Hence, the criminal petition is allowed and the petitioner is directed to surrender before the Station House Officer, Trimulgherry Police Station, Secunderabad, within 15 days from the date of this order. On such surrender, the petitioner shall be released on bail on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties for a like sum each to the satisfaction of the said Station House Officer. Further, on such release, the petitioner shall abide by the conditions as under:

1. The petitioner shall make himself available for interrogation by a police officer as and when required.
2. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

3. The petitioner shall not leave India without the prior permission of the Court.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

B. VIJAYSEN REDDY, J

Date: 23.05.2024.
PRN/TMK

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