

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.12671 of 2024

ORDER :

Petitioner/accused No.9 has filed this petition under Sections 480 and 483 of Bharatiya Nagrik Suraksha Sanhitha, 2023 (for short 'BNSS') seeking bail in COR.No.01 of 2024 of Balanagar Police Station, registered for the offence under Sections 34(R) of TS Excise Act 1968 read with 4(a), 5(a) of Chloral Hydrate Rules 1973 and Section 37(A) (1) (ii) of TS Excise Act 1968.

2. Heard Mr.B.Mallesha Yadav, learned counsel for petitioner/accused No.9 and Sri M.Ramachandra Reddy, learned Additional Public Prosecutor appearing for the State and perused the record.

3. The case of the prosecution is that the petitioner/accused No.9 along with other accused was involved in illegal possession and transportation of chloral Hydrate and seized the property weighing about 560 grams from the possession of accused No.1 and arrested him and later basing on the confession of accused

No.1, accused Nos.2 to 8 were included and upon the confession of the accused No.2, police included the name of accused No.9 in this crime.

4. Learned counsel for petitioner/accused No.9 submits that nothing was seized from the possession of petitioner/accused No.9 and only basing on the confession of accused No.2, he has been implicated in the case which is not admissible and there are no criminal antecedents against the petitioner. He further submits that after 10 months of registration of crime, petitioner/accused No.9 was arrested by the police based on the confession of the co-accused. It is further submitted that except the confession statement of accused No.2, there is no other incriminating material against the accused and none of the accused in their confession statements has mentioned about the involvement of petitioner/accused No.9. He further submits that most of the investigation has been completed except filing charge sheet and hence, prayed to grant bail.

5. The learned Additional Public Prosecutor, on the other hand, opposed the application stating that serious allegations are leveled against petitioner/accused No.9 and if the petitioner is granted bail at this stage, he may commit similar type of offences, and hence, prayed to dismiss the petition.

6. Having heard both sides and on perusal of material placed on record, it appears from the remand report based on the confession of accused No.2 only the petitioner/accused No.9 has been implicated in this crime and no criminal antecedents are reported against the accused No.9 and most of the investigation is completed, except filing charge sheet. In view of the same, this Court is inclined to grant bail to the petitioner/accused No.9, subject to the following conditions:

- 1. The petitioner/accused No.9 shall be released on bail on his executing a personal bond for Rs.20,000/- each with two sureties for the like sum each to the satisfaction of XIII Additional Metropolitan Magistrate, Medchal Malkajgiri District at Kukatpally.**

- 2. The petitioner/accused No.9 shall abide by the other conditions stipulated in Section 480 (3) Bharatiya Nagarik Suraksha Sanhitha, 2023.**

Petition is allowed accordingly.

JUVVADI SRIDEVI, J

Date: 25.10.2024

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