

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.13075 OF 2024

ORDER:

This criminal petition is filed by the petitioner – accused No.50 under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail in Crime No.958 of 2023 of P.S. S.R. Nagar, Hyderabad, registered for the offences under Sections 8(c) read with 22(c), 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act').

2. The case of the prosecution, in brief, was that on 16.12.2023 at 22:10 hours, basing on the complaint given by the Sub-Inspector of Police, P.S. S.R. Nagar, a person by name Jalli Ashik Yadav (accused No.4) was arrested and two Ecstasy Pills were recovered from his possession. Basing on his confession, the involvement of accused Nos.1 to 3, along with accused Nos.5 to 101 came to light, including the present petitioner – accused No.50. As per the prosecution case, it was alleged that the present petitioner – accused No.50 was one of the main drug suppliers, along with accused Nos.1, 2, 5, 6, 39 to 44, 49, 98 and 101 and accused Nos.3, 4 and 45 were drug peddlers, accused

Nos.7 to 38 and 46 to 48 were consumers and accused Nos.51 to 97 are dealers.

3. Heard Mr. MD.Afzaluddin Dakhani, learned counsel appearing for the petitioner and learned Additional Public Prosecutor for respondent-State.

4. The learned counsel for the petitioner submitted that no contraband was recovered from the possession of the petitioner – accused No.50. The petitioner was lodged in Central Prison, North Goa, since 25.12.2020 and he was taken on P.T. warrant in this case on 28.05.2024 and since then, he was in custody in the present crime for the last 163 days. The accused persons from whom commercial quantities of narcotic drugs/psychotropic substances were recovered like accused Nos.3 and 4 were granted bail and prayed for grant of regular bail to the petitioner.

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the petitioner was the main kingpin and was operating even from the jail and was supplying the contraband to other drug peddlers and opposed grant of bail to the petitioner.

6. Perused the record.

7. Considering that no contraband was recovered from the possession of the petitioner – accused No.50 and as the petitioner – accused No.50 was in Central Prison, South Goa since 25.12.2020, it is difficult to believe that being in custody, he was operating with a cell phone and was seeing that the drugs were being supplied to the other drug peddlers and as the petitioner was in judicial custody in this crime since 28.05.2024 without any admissible evidence against him, it is considered a fit case to enlarge the petitioner on bail.

8. In the result, this Criminal Petition is allowed, directing the petitioner – accused No.50 to be released on bail in the above crime, subject to the following conditions:

i) The petitioner - accused No.50 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the I Additional Sessions Judge, Hyderabad.

ii) The petitioner – accused No.50 shall abide by the conditions stipulated in Section 480 (3) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Miscellaneous applications, if any, pending, shall stand closed.

Dr. G. RADHA RANI, J

Dt: 07.11.2024
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