

THE HON'BLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION NO.13386 OF 2024

ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') to grant anticipatory bail to the petitioner/A.3 in the event of his arrest in connection with Cr.No.795 of 2024 of Sanathnagar Police Station.

2. The offence alleged against the petitioner is under Section 20 (b) (ii) (B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS' Act).

3. Heard Sri S.M.Saifullah, learned counsel for the petitioner and learned Additional Public Prosecutor for the respondent.

4. According to the prosecution accused Nos.1 and 2 confessed commission of offence that they purchased dry ganja from the petitioner herein who is arrayed as A.3 and police also recovered 1.5 kg of Ganja from A.1 and A.2. A.1 and A.2 purchased Ganja for Rs.50,000/- from the petitioner.

5. The contention of learned counsel for the petitioner is that petitioner is no way concerned with the commission of offence

except the confession statement of A.1 and A.2 there is no other evidence against this petitioner. He further submitted that A.3 gave hand loan to A.1 and A.2 and when he requested for return of the said amount, this case is lodged against the petitioner and to wreck vengeance against him, A.1 and A.2, mentioned his name in their confession statement. He further contended that the quantity seized is 1.5 Kgs only and it is not commercial quantity. As such, requested the Court to grant anticipatory bail to the petitioner.

6. On the other hand, learned Additional Public Prosecutor opposed granting of bail, stating that the subject crime is NDPS case and intermediate quantity and the custody of petitioner is necessary for the police for completion of investigation and that investigation is not yet completed. As such, prayed the Court to dismiss this petition.

7. Having regard to the submissions made by both the counsel and the material on record, the offence alleged against the petitioner is under Section 20 (b) (ii) (B) of NDPS Act, The police recovered 1.5 Kgs of Ganja from A.1 and A.2 and that they are in judicial custody. Except the confession of A.1 and A.2, there is no evidence against the petitioner. In view of the

same, this Court deems it appropriate to grant relief of anticipatory bail to the petitioner, subject to following conditions:-

- 1) The petitioner/Accused No.3 is directed to surrender before the Station House Officer, Sanathnagar Police Station, within two weeks from today, and on such surrender, the Station House Officer shall release the petitioner/accused No.3 on pre-arrest bail on 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 his satisfaction.
 - 2) On such release, the petitioner/Accused No.3 shall appear before the concerned police as and when required for the purpose of investigation.
 - 3) The petitioner/Accused No.3 shall abide by the other conditions stipulated in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and shall co-operate with the Investigating Officer in investigating the case.
8. Accordingly, the Criminal Petition is allowed.

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

K. SUJANA, J

Date :19.11.2024
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