

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13571 of 2024

ORDER:

This Criminal Petition is filed by the petitioner / Accused No.5 under Section 482 of BNSS for grant of anticipatory bail in Crime No.227 of 2024 of PS Excise, Dhoolpet, Hyderabad, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) and 27(b) of Narcotic Drugs and Psychotropic Substances Act (for short “NDPS” Act), 1985.

2. The case of the prosecution in brief was that on 03.08.2024 at 11:51 AM while the Prohibition and Excise Sub-Inspector, Special Task Force, Hyderabad, Telangana was conducting route watch on the road leading to Jiyaguda to Puranapool beside Musi River, noticed two vehicles bearing Nos.TS-13-EP-8860 and TS-13-EX-8022 coming through Jiyaguda to Puranapool road. He stopped the two vehicles and on search of the vehicles found 1.320 kgs of ganja in the dicky of one of the vehicles and 1.320 kg of ganja in the other vehicle, total 2.550 kgs of ganja. He recorded the confession cum seizure panchanamas of A1 to A3 and seized the contraband under the cover of panchanama. A1 to A3 stated that one Anoop Singh (A4) was supplying the ganja to them and A5 was preparing them into sachets and that they were selling the ganja sachets to

A6 to A10. A4 to A10 were shown as absconding at the time of remand of A1 to A3.

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

4. Learned counsel for the petitioner submitted that the petitioner – A5 was a woman. No contraband was seized from her possession. The petitioner – A5 sustained a fracture injury and was bed ridden and filed a photograph of A5 along with her diagnostic report showing that she sustained fracture of calcaneum of left ankle.

5. Learned Additional Public Prosecutor on the other hand contended that A5 was a habitual offender and was involved in six (06) NDPS cases vide Crime Nos.183/2018, 377/2018, 9/2019, 6/2023, 386/2023 and 186/2024 of Prohibition and Excise Police Station, Dhoolpet.

6. But considering the allegations in the present case that she was not shown as a supplier or consumer and the only allegation made against her was that she was preparing sachets by staying in her house and as the photographs and X-ray report would disclose that she sustained a fracture injury and a POP was applied and she was bed ridden and not in a position to move and that as A1 to A4 were also granted bail by the trial court, it is considered fit to grant anticipatory bail to the petitioner – Accused No.5.

7. In the result, the Criminal Petition is allowed subject to the following conditions:

(i) The petitioner – Accused No.5 is directed to surrender before the Station House Officer of PS Excise, Dhoolpet, Hyderabad within a period of 15 days from the date of this order and on such surrender, the said Station House Officer shall release the petitioner on bail, on her 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 the satisfaction of the said Station House Officer.

(ii) The petitioner – Accused No.5 shall comply with the conditions laid down under Section 482(2) of B.N.S.S.

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

Dr. G. RADHA RANI, J

Date: 26th November, 2024
Nsk.