

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13616 of 2024

ORDER:

This Criminal Petition is filed by the petitioner / Accused No.2 under Section 482 of BNSS for grant of anticipatory bail in Crime No.255 of 2024 of PS Excise, Dhoolpet, Hyderabad, registered for the offence punishable under Section 8(c) read with 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution in brief was that on 22.10.2024 at 11:45 AM, the Prohibition and Excise Sub-Inspector of PS Excise, Dhoolpet on reliable information raided H.No.13-1-928, Badabangla, Mangalhat, Dhoolpet, Hyderabad and found A1 in the said house and on search of the room found a black color polythene bag under the bed and on opening the bag found dry ganja of 1.405 kgs in it. On enquiry with A1, she revealed that she was purchasing the dry ganja from one Sangitha Sahu @ Gita (shown as Accused No.3), who belonged to Harapura Village, Janla thana, Khordha District, Odisha State and that she was making payments to the said person A3 through Phone Pe and sometimes she directs Ganesh Singh (the present petitioner herein) to deposit the money in Sangita

Sahu's account number through CDM (machine) and that she also stated that Sangita Sahu sends ganja by bus / train and Ganesh Singh would collect the same and handover to her. A1 was arrested and produced before the Court on 22.10.2024.

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 had nothing to do with the above offence. He was falsely implicated. The petitioner had no criminal antecedents and prayed to enlarge the petitioner / Accused No.2 on anticipatory bail.

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner. But however, stated that there were no criminal antecedents against the petitioner.

6. Considering the contents of the remand report of A1, wherein the role of the petitioner was shown as middle men in collecting the ganja between A1 and A3 and depositing the amount on behalf of A1 sometimes to the account of A3, but no contraband was recovered from his possession and there were no criminal antecedents to him and except the confession of A1, there was no other evidence

collected against him and as the accused No.1 is also enlarged on bail and considering the quantity recovered, which was only slightly more than the small quantity, it is considered fit to grant anticipatory bail to the petitioner.

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

(i) The petitioner - A2 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 his 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.2 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.

Date: 26th November, 2024
Nsk.

Dr. G. RADHA RANI, J