

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13643 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.5 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha (for short “BNSS”) seeking regular bail in Crime No.974 of 2024 on the file of X Additional Metropolitan Magistrate, Kukatpally, Cyberabad registered for the offences punishable under Sections 8(c) read with 22 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. Heard learned counsel for the petitioner - Accused No.5 and the learned Additional Public Prosecutor for the respondent - State.

3. Learned counsel for the petitioner - Accused No.5 submitted that the petitioner was shown as Accused No.5 by the Madhapur Police and produced on P.T. warrant in the present case on 23.09.2024. It was mentioned that as per the confession of Accused Nos.1 to 4, they procured the alleged contraband from one Sanjay Achari. The name of the petitioner was Santosh Ram but not Sanjay Achari. The Investigating Officer had procured the P.T. warrant

showing the name of the accused as Sanjay Achari @ Santosh Ram which was misleading. The petitioner was in judicial custody in Jodhpur District Jail and his name was Santosh Ram and filed Aadhar Card and Voter ID of the petitioner to show that he was Santosh Ram, but not Sanjay Achari. He further contended that seeking P.T. warrant by Madhapur Police was illegal and sought for grant of regular bail to the petitioner.

4. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the petitioner was also known as Sanjay Achari. He was trying to hide his identity under a different name. The petitioner was the supplier of the contraband to A1 to A4, as such, he was not entitled for grant of bail and prayed to dismiss the petition.

5. Considering that except the confession of A1 which would disclose that A1 was purchasing the drug from a drug peddler by name Sanjay Achari, there was no evidence collected by the Investigating Officer to show that the petitioner by name Santosh Ram is also called as Sanjay Achari and he was not identified by A1 as the person from whom he was purchasing the contraband and as the petitioner was denying his identity as Sanjay Achari and the truth or

otherwise of the same could be decided only after the trial, and as the petitioner was alleged to be the supplier of the contraband and the present case was detected on 20.07.2024 and the petitioner was in judicial custody from 02.05.2024 in Jodhpur District Jail, and there is no scope that the petitioner could supply the contraband at the relevant time, it is considered fit to grant regular bail to the petitioner.

6. In the result, the Criminal Petition is allowed directing the petitioner - Accused No.5 to be released on regular bail subject to the following conditions:

- i) The petitioner – Accused No.5 shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty thousand only) with two sureties for a like sum each to the satisfaction of the X Additional Metropolitan Magistrate, Kukatpally, Cyberabad.
- ii) The petitioner - Accused No.5 shall abide by the conditions stipulated in Section 480 (3) of Bharatiya Nagarik Suraksha Sanhitha, 2023.
- iii) The petitioner – Accused No.5 shall be released on bail if he is not required in any other case or crime.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date: 27th November, 2024
SPK/BB