

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13697 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner/accused No.3 under Section 482 of BNSS for grant of anticipatory bail to the petitioner/accused No.3 in C.O.R.No.245 of 2024 of Prohibition and Excise Station, Dhoolpet, Hyderabad registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) read with Section 27(b) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution in brief was that on 26.09.2024 at 1.50 P.M, the Sub-Inspector of Prohibition & Excise Station, Dhoolpet, Hyderabad while conducting route watch on the road leading from Jiyaguda Kamela to Puranapool near Peela Mandal Chota Kashi Shiv Mandir, Puranapool, Hyderabad, stopped a vehicle bearing No.TS-13-FA-6479 and found accused No.1 riding the said vehicle. On search of the vehicle they found a brown colour taped bundle containing 2.064 Kgs of dry ganja. When the officer inquired about the ganja, accused No.1 revealed that he purchased the same from one Laddu @ Chita @ Balbir Singh at the rate of Rs.17,500/- per bundle and further stated that on the

instructions of Laddu @ Chita @ Balbir Singh he sent the money to another three persons namely T.Vaishnoi Singh (present petitioner herein), Sagar Singh and Sonu Singh. The Sub Inspector of Police arrested the accused No.1 and registered the case against accused Nos.1 to 19. Accused Nos.4 and 5 were arrested on 27.09.2024. Accused Nos.6 to 19 were shown as consumers and accused No.3 was shown as the supplier.

3. Heard the learned counsel for the petitioner/accused No.3 and the learned Additional Public Prosecutor for the respondent – State.

4. Learned counsel for the petitioner submitted that except the confession of co-accused, there was no other admissible evidence collected by the Investigation Officer against the present petitioner. The confession statement of accused made before the Police was not admissible as per the judgment of the Hon'ble Apex Court in ***Tofan Singh vs. State of Tamil Nadu***¹. No offence was made out against the petitioner and prayed to enlarge the petitioner on anticipatory bail.

¹ 2021 (4) Supreme Court Cases 1

5. Learned Additional Public Prosecutor opposed grant of anticipatory bail to the petitioner but however reported no criminal antecedents against the petitioner.

6. On a perusal of the remand report of accused No.1, it would disclose that except the confession of accused No.1 wherein he stated that on the instructions of Laddu @ Chita @ Balbir Singh, he sent money to the present petitioner also through his mobile, no other evidence was collected by the Investigating Officer to show that the present petitioner was supplying the contraband ganja to accused No.1. Hence, it is considered fit to grant anticipatory bail to the petitioner/accused No.3.

7. In the result, the Criminal Petition is allowed and the petitioner/accused No.3 shall be released on anticipatory bail subject to the following conditions:

i) The petitioner/accused No.3 is directed to surrender before the Station House Officer, Prohibition and Excise Station, 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.3 shall abide by the conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Miscellaneous applications, if any, pending shall stand closed.

Dr. G.RADHA RANI, J

Dated: 26.11.2024

HFM/FM

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