

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13671 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner/accused No.5 under Section 482 of BNSS for grant of anticipatory bail to the petitioner/accused No.5 in C.O.R.No.246 of 2024 of Prohibition and Excise Station, Dhoolpet, registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(B) read with 27 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution in brief was that on 28.09.2024 on receipt of credible information regarding possession of dry ganja in the house of one Mukesh Singh (accused No.1), the Police rushed to the house and knocked the door. They found accused Nos.1, 2 and 3 in the said house. On search of the house, they found a blue colour polythene cover in the bedroom containing 1.5 kg of dry ganja. Accused Nos.1 to 3 confessed that they have brought the ganja from accused Nos.4 and 5. Basing on the report lodged by the Prohibition and Excise Sub-Inspector, the case was registered against accused Nos.1 to 19.

3. Heard the learned counsel for the petitioner/accused No.5 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 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.

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 remand report of accused Nos.1 to 3, dated 28.09.2024 wherein the role of the petitioner was shown as supplier of the contraband dry ganja to the accused Nos.1 to 3 and the Investigating Officer had not made any efforts for a period of two months to apprehend the present petitioner and as the contraband alleged to be recovered from accused Nos.1 to 3 was only 1.5 kgs of dry ganja which was an intermediary quantity and there was no admissible evidence against the petitioner herein except the confession of the co-accused, it is considered a fit case to enlarge the petitioner/accused No.5 on anticipatory bail.

¹ 2021 (4) Supreme Court Cases 1

7. In the result, the Criminal Petition is allowed and the petitioner/accused No.5 shall be released on anticipatory bail subject to the following conditions:

i) The petitioner/accused No.5 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.5 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

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13671 OF 2024

Dated 26.11.2024

HFM/FM