

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13676 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner/accused No.5 under Section 482 of BNSS for grant bail to the petitioner/accused No.5 in C.O.R.No.247 of 2024 of Prohibition and Excise Station, Dhoolpet, Hyderabad registered for the offences punishable under Sections 8(c) read with 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution in brief was that on 06.10.2024 at 11.51 AM on reliable information, the Prohibition and Excise Sub-Inspector of Dhoolpet raided the house of one Kishore Singh/accused No.1 and found accused Nos.1 and 2 in the said house and on search of the house found 29.5 KGS of dry ganja. On enquiry accused Nos.1 and 2 confessed that they were storing the ganja at the instance of accused No.3 who was selling the same to the customers along with accused Nos.4 and 5 by purchasing the ganja from accused No.6. Accused Nos.1 and 2 were arrested on 06.10.2024 and produced before the Court.

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 entire case of the prosecution rests upon the inadmissible confession statement of the other accused persons. The confession of the accused was not admissible as per the judgment of the Hon'ble Apex Court in *Tofan Singh vs. State of Tamil Nadu*¹. Apart from the confession of the co-accused, there was no material on record to show the involvement of the petitioner in the possession or sale of any contraband and prayed to grant anticipatory bail to the petitioner.

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

6. Considering that except the confession of co-accused, which was inadmissible in law, there was no admissible evidence against the present petitioner, it is considered fit to enlarge the petitioner/accused No.5 on anticipatory bail.

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

¹ 2021 (4) Supreme Court Cases 1

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

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