

THE HON'BLE Dr. JUSTICE G. RADHA RANI

CRIMINAL PETITION No.13682 OF 2024

ORDER:

This criminal petition is filed by the petitioner – accused No.2 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail in COR No.63 of 2024 of Prohibition & Excise Station, Secunderabad, registered for the offences under Sections 8 (c) read with 20 (b) (ii) (c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The case of the prosecution, in brief, was that on 26.09.2024 at 5.30 PM, the Prohibition and Excise Sub-Inspector, Special Task Force, Hyderabad, along with his staff and panch witnesses, on reliable information about illegal possession and sale of contraband dry ganja, conducted raid at house No.7-3-296/344/2, Audiah Nagar, Secunderabad and found a person, by name, Mukram Jani-A1 in possession of dry ganja of 1.2 kgs., found in a white bag. The officials seized the dry ganja, an auto and a mobile phone from the accused and registered the case and

produced him before the Court. It was further contended that A1 on enquiry confessed the name of his wife-A2, petitioner herein, as ganja seller and the name of accused No.3, resident of Nagpur, Maharashtra State as the person supplying the said contraband to them.

3. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor for respondent-State.

4. Learned counsel for the petitioner submitted that except the confessional statement of A1, there was no other material to implicate the petitioner herein – A2 in the present crime, and prayed for grant of anticipatory bail to the petitioner.

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

6. Considering that at the time of seizure, the petitioner was not found at the house and only basing on the confession of accused No.1, her name was also incorporated as accused No.2 and the confession of the co-

accused is inadmissible in law and considering the fact that the petitioner was a woman and no contraband was seized from her possession, it is considered a fit case for grant of anticipatory bail to the petitioner.

7. In the result, the Criminal Petition is allowed and the petitioner-A2 shall be released on anticipatory bail subject to the following conditions:

i) The petitioner-A2 is directed to surrender before the Station House Officer, Prohibition and Excise Police Station, Secunderabad, 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 her 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-A2 shall abide by the conditions stipulated in Section 482 (2) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Miscellaneous applications, if any, pending, shall stand closed.

November 26, 2024
KTL

Dr. G. RADHARANI, J