

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.13733 OF 2024

ORDER:

This Criminal Petition is filed by the petitioner – Accused No.4 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha (for short “BNSS”) seeking regular bail in Crime No.90 of 2024 on the file of Prohibition and Excise Police Station, Hayathnagar, Hyderabad, registered for the offences punishable under Sections 8(c) read with 20 (b) (ii) (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

2. The case of the prosecution in brief was that on 03.07.2024 at 5:15 PM, on credible information, the Prohibition and Excise Police proceeded to Sri Mallareddy Bus Stand and found one person (A-1) carrying a shoulder bag. On searching the bag, the police found dry ganja in it. On enquiry, A-1 revealed that he belonged to Odisha State and came to Hyderabad for supplying the contraband ganja to Mr.Abhishek Singh, present petitioner. Recording the confession of A-1, the Police seized 16.3 Kgs., of dry ganja from the possession of A-1 under the cover of panchanama. The petitioner was taken on PT Warrant in this crime on 09.09.2024.

3. Heard Sri Ch.Ravinder, learned counsel for the petitioner - Accused No.4 and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner - Accused No.4 submitted that except the confession of the co-accused, which was a weak piece of evidence, there was no substantial evidence available against the accused. No contraband was seized from his possession or his place of residence. The petitioner was granted bail in connection with Crime No.481 of 2024 of P.S. Mangalhat wherein he was in custody. The petitioner was in judicial custody for the past 80 days in the present crime and prayed to enlarge the petitioner - Accused No.4 on bail.

5. Learned Additional Public Prosecutor submitted that the petitioner was a habitual offender, who not only involved in this case, but also in Crime No.481 of 2024 of P.S. Mangalhat. As per the confession of A-1, he was supplying the contraband to the present petitioner and as such, he was not entitled for grant of bail.

6. Considering that except the confession of the co-accused, there was no other incriminating material against the petitioner herein

and that he was also granted bail in Crime No.481 of 2024 of P.S. Mangalhat and he was in custody in this crime without any substantial material against him, it is considered fit to enlarge the petitioner on bail.

7. In the result, the Criminal Petition is allowed directing the petitioner - Accused No.4 to be released on regular bail subject to the following conditions:

- i) The petitioner – Accused No.4 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 Special Judicial First Class Magistrate for Prohibition and Excise Offences at Hayathnagar, Hyderabad.
- ii) The petitioner - Accused No.4 shall abide by the conditions stipulated in Section 480 (3) of Bharatiya Nagarik Suraksha Sanhitha, 2023.

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date: 27th November, 2024
BB/SPK