

THE HONOURABLE DR.JUSTICE G.RADHA RANI

CRIMINAL PETITION No.12566 OF 2023

O R D E R:

This criminal petition is filed by the petitioner – A1 under Section 438 Cr.P.C. for grant of anticipatory bail in Crime No.983 of 2023 on the file of Rajendranagar Police Station, Cyberabad, registered for the offence under Section 21(b) read with 8(c) of the Narcotic Drugs And Psychotropic Substances, Act, 1985 (for short, 'NDPS Act').

2. The Detective Inspector of Police, Rajendranagar Police Station lodged a report on 16.09.2023 stating that he received credible information at about 6:00 A.M. that two male persons and one female person were in illegal possession and selling prohibited narcotic drug MDMA Crystal powder under the bridge at ORR Exit-17, Rajendranagar. Immediately, he proceeded to the said place after complying the procedure under Section 42(2) of NDPS Act and at 7:00 A.M. found them at the said place and apprehended them. On interrogation the three persons confessed to have committed the offence and the first person stated that he purchased the drug about quantity of 22 grams from one person by name Mehraj (petitioner herein), resident of Red Hills, Hyderabad for an amount of Rs.50,000/- and he made small sachets of 1 gram quantity each and sold 10 sachets to the needy persons for an amount

of Rs.3,000/- per each packet and he was in possession of 8.21 grams kept in 12 small zip lock sachets. On his confession, the said contraband of 8.21 grams of MDMA crystal powder was seized along with a vehicle and cell phone. From the possession of the other two accused also their cell phones and vehicles were seized. Basing on the said report, the above crime was registered. The supplier was shown as A1 and the said three persons were shown as A2 to A4. A2 to A4 were arrested on 16.09.2023 and produced before the Court.

3. Heard Sri Y. Soma Srinath Reddy, the learned counsel on behalf of Sri G. Srinivas, the learned counsel for the petitioner-A1 on record and the learned Additional Public Prosecutor for the respondent-State.

4. Learned counsel for the petitioner submitted that no contraband was seized from the possession of the petitioner-A1. He was implicated in the case only basing upon the confession of A2 and relied upon the judgments of the Hon'ble Apex Court in **Topan Singh V. State of Tamil Nadu**¹ and of the High Court of Madhya Pradesh at Jabalpur in **Kamta Prasad Vs. The State of Madhya Pradesh Through the Police Station Maihar, District Satna (MP)**² and prayed to grant anticipatory bail to the petitioner.

¹ AIR 2020 SC 5592

² Crl. Revision No.1803 of 2022 dated 26.09.2022

5. Learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the petitioner was a drug peddler and he bought the contraband MDMA crystal powder from Bombay and sold it to A2, as such, he was not entitled to anticipatory bail.

7. Perused the record. Considering that no contraband was seized from the possession of the petitioner-A1 and he was implicated in the case only basing upon the confession of A2 and expect the confession of A2, no other evidence was gathered by the Investigating Officer till date against the petitioner-A1, it is considered fit to enlarge the petitioner on anticipatory bail on certain conditions.

8. Accordingly, the Criminal Petition is allowed and the petitioner-A1 shall be released on anticipatory bail subject to the following conditions:

- 1) The petitioner-A1 is directed to surrender before the Station House Officer, Rajendranagar Police Station, Cyberabad within a period of 15 days from the date of this order. 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.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum each to

the satisfaction of the said Station House Officer.

- 2) The petitioner-A1 shall abide by the conditions stipulated under Section 438(2) of Cr.P.C..

Miscellaneous applications, pending if any, shall stand closed.

Dr. G.RADHA RANI, J

Date:14.03.2024
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