

THE HONOURABLE SRI JUSTICE K.SURENDER**CRIMINAL PETITION NO.12924 OF 2023****ORDER:**

1. This Criminal Petition is filed under Sections 437 and 439 of Code of Criminal Procedure, 1973 (for short "Cr.P.C") seeking regular bail to the petitioner/accused No.2 in F.No.48/1/10/2023/NCB/HZU of Narcotics Control Bureau, Hyderabad Sub-Zone, registered for the offence punishable under Section 8 (c) r/w Section 22(c), 27A, 28 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NPDS Act').
2. Heard learned counsel for the petitioner and learned counsel appearing for NCB-respondent and perused the record.
3. The NCB authorities on information arrested A-1 namely C.Narsimlu and found 25 kgs. of alprazolam. The said drug was seized from his possession after following the due procedure under NDPS Act. During the course of investigation, the said A-1 confessed that he was selling

alprazolam drug to this petitioner. The said sale was on two occasions prior to the apprehension of A-1.

4. Learned counsel appearing for the petitioner would submit that apart from confession made, there is absolutely no other evidence to substantiate involvement of this petitioner in the crime. A statement made under Section 67 of the NDPS Act cannot be solely made basis to continue the petitioner in custody.

5. On the other hand, learned counsel appearing for NCB would submit that NCB authorities have been investigating into the information provided by A-1. It is on the basis of confession, the investigation is carried on. He further submits that amount was paid by the son of A-1 and call record data is also available.

6. However, it is admitted that nothing was seized during the house search.

7. Since there is no recovery and no amount was paid by this petitioner and the only basis for detention of this petitioner is alleged confession made by A-1, this Court is

inclined to grant the relief of regular bail to the petitioner, subject to following conditions:

- i) The petitioner/accused No.2 shall execute personal bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two sureties, for a like sum each to the satisfaction of Special Judicial Magistrate of First Class Prohibition & Excise Offences-Cum- III JCJ at Sangareddy.
- ii) The petitioner/accused No.2 after release shall appear before the concerned Station House Officer at 10:00 a.m. on every Monday and Wednesday for a period of eight weeks and thereafter, as and when required for the purpose of investigation.
- iii) The petitioner/accused No.2 shall abide by the other conditions stipulated in Section 437(3) of Cr.P.C.

8. Accordingly, this Criminal Petition is allowed. Miscellaneous applications, pending if any, shall stand closed.

K.SURENDER, J

Date: 29.01.2024
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THE HON'BLE SRI JUSTICE K.SURENDER

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Dt.29.01.2024

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