

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.14429 of 2024

ORAL ORDER:

This Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of pre-arrest bail to the petitioner, who is arrayed as accused No.2 in Crime No.1016 of 2024 on the file of the Raidurgam Police Station, Cyberabad, Ranga Reddy District, registered for the offences punishable under Sections 20(b)(ii)(B), 27, 27(A) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act').

2. The brief facts of the case of prosecution are that on 18-10-2024, at around 3:00 hours, the complainant received credible information about two individuals transporting ganja on a Honda Activa bearing No.TS 13 EQ 2887 towards Gachibowli. After verifying the information, the complainant informed his superior officer and reduced it to writing. A team was formed, and with the help of panchas, they detained the suspects, identified as

Tahkur Chandra Shekar and Arekash Ajaury Singh, and seized 1.8 kg of ganja. The accused confessed to possessing ganja for sale, leading to the registration of Crime No. 1016/2024 under various sections of the NDPS Act.

3. Heard Sri A.Prabhar Rao, learned counsel for petitioner, and Sri Syed Yasar Mamoon, learned Additional Public Prosecutor appearing for respondent - State.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any offence and was implicated as Accused No.2 solely based on the confession statement of co-accused Nos.3 and 4 and without any substantial evidence. He contended that the petitioner has no connection to the seizure of 1.8 kg of ganja from Accused Nos.3 and 4, and the police failed to comply with the mandatory provisions of the NDPS Act. He asserted that the petitioner is entitled to anticipatory bail, given their fixed abode, properties, and willingness to cooperate with the investigation, and averred that the personal circumstances of petitioner, including serious health issues of her father-in-law, requires the presence of petitioner for medical

treatment. Therefore, prayed the Court to grant pre-arrest bail to the petitioner by allowing this Criminal Petition.

5. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner stating that the investigation in the matter is still under progress and there are no other criminal antecedents pending against the petitioner and prayed the Court to dismiss the criminal petition.

6. Having regard to the rival submissions made and on going through the material placed on record, it is noted that petitioner is wife of A1 and was implicated in the case basing on the confession made by A3 and A4 and there is no specific allegation against the petitioner and the quantity involved is only 1.8KG. Therefore, this Court deems it fit to grant pre-arrest bail to the petitioner, subject to compliance of following conditions, and ensuring her presence during the investigation and trial:

- i. The petitioner shall surrender before the Station House Officer of Raidurgam Police Station,

Cyberabad, Ranga Reddy District, within two weeks from today, and on such surrender, the said Station House Officer shall release them on bail on executing a personal bond for Rs.25,000/- with two sureties, for the like sum each.

- ii. The petitioner shall abide by the other conditions stipulated in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and co-operate with the Investigating Officer in investigating the case.

7. Accordingly, this Criminal Petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 10.12.2024
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