

HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

CRIMINAL PETITION No.15412 of 2024

ORDER :

Petitioner/accused No.2 has filed this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 seeking anticipatory bail in Crime No.147 of 2024 of Prohibition and Excise Station, Balanagar, registered for the offence under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985.

2. Heard Sri M.Amarnath, learned counsel for petitioner and Mr. Syed Yasar Manoon, learned Additional Public Prosecutor appearing for the State and perused the record.

3. The case of the prosecution is that on 13.11.2024, accused No.1 was found in possession of 1.5 kgs. of dry ganja. Basing on the confession of accused No.1, the involvement of petitioner/accused No.2 came into light.

4. Learned counsel for petitioner/accused No.2 submits that though the petitioner/accused No.2 is innocent and in no way concerned with the offences alleged, merely basing on the

confession of accused No.1, he was falsely implicated in the case. He further submits that nothing was seized from the possession of petitioner/accused No.2 and most part of the investigation is completed.

5. Learned counsel for petitioner further submitted that the petitioner was involved in two crimes of similar nature, in which, he was already granted bail. In support of his contentions, he relied on the judgment of Hon'ble Supreme Court in ***Vijay Singh v. State of Haryana***¹, wherein, the petitioner therein was granted bail on the ground that he was named by the co-accused and that he was granted bail in another crime of similar nature. Since the petitioner herein also stands on the same footing, he prayed for grant of anticipatory bail to the petitioner/accused No.2.

6. The learned Additional Public Prosecutor opposed the application stating that specific allegations are levelled against the petitioner/accused No.2 and investigation is in progress. However, he does not dispute the submission made by the

¹ SLP to Appeal (Crl.) No.1266 of 2023

learned counsel for petitioner that the petitioner was granted bail in two other crimes in which he was involved.

7. Having heard both sides and perused the material on record, it is evident that the petitioner in the present case was named by the co-accused and though the petitioner was involved in two other crimes of similar nature, he was granted bail. In the said circumstances, the aforesaid judgment is squarely applicable to the facts of the present case, hence, this Court is of the considered opinion that it is a fit case for grant of anticipatory bail subject to following conditions:

- i. **The petitioner/accused No.2 shall surrender before the Station House Officer of Prohibition and Excise Station, Balanagar within two weeks from today, and on such surrender, the said Station House Officer shall release him on bail on his executing a personal bond for Rs.20,000/- with two sureties each for the like sum.**
- ii. **The petitioner/accused No.2 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.**

Petition is allowed accordingly.

Date: 20.12.2024
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JUVVADI SRIDEVI, J