

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION No.1491 of 2024

ORDER:

The present Criminal Petition is filed praying this Court to enlarge the petitioner who is arrayed as accused No.2 in Crime No.481 of 2024 before the Mangalhat Police Station, Hyderabad, on bail.

2. The brief facts of the case are that on 28.08.2024, at approximately 1321 hours, the Sub-Inspector of Police, P.S. Mangalhat, Hyderabad, along with staff, apprehended A1 and A3 and seized 21.492 Kgs of Ganja from Bada Bangalow, Mangalhat, Hyderabad, and upon recording their confession, the involvement of Petitioner/A2 and A6 came to light, leading to the registration of case in Crime No.481/2024 under the NDPS Act, 1985, and the subsequent arrest of Petitioner/A2 on 19.11. 2024. Aggrieved thereby, this criminal petition is filed.

3. Heard Sri A. Prabhakar Rao, learned counsel appearing for the petitioner as well as Sri Syed Yasar Mamoon, learned Additional Public Prosecutor for respondent – State.

4. Learned counsel for the petitioner submitted that the petitioner/Accused No. 2, is innocent and has been falsely implicated in the case, and contended that the allegations leveled by the prosecution against the petitioner are based on the confession of co-accused, and that the same cannot be admissible in evidence as per the judgment rendered by the Hon'ble Supreme Court in **Tofan Singh vs. State of Tamil Nadu**¹ and **Nikhil Chandra Mondal vs. State of West Bengal**². He lamented that there is no *prima facie* case against the petitioner, and that the FIR does not reveal any offences against him. He asserted that the petitioner is a law-abiding citizen, willing to cooperate with the investigating agency, and there is no apprehension of him absconding, tampering with evidence, or influencing witnesses. Therefore, he prayed the Court to grant 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 allegations leveled against the petitioner are serious in nature, and that he was implicated in the crime case based on the confession of co-accused persons

¹ 2021 (4) SCC 1

² 2023 LiveLaw (SC) 171

which related to his involvement in the contraband seized i.e., of 21.492 Kgs of Ganja. Therefore, he averred that at this stage, the question of granting of bail to the petitioner does not arise. Therefore, he 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 the limited grievance of learned counsel for the petitioner is that the petitioner was falsely implicated in the case and that he is no way concerned with the alleged offence, whereas, it is the specific stand of learned Additional Public Prosecutor that petitioner was implicated in the crime based on the confession of co-accused which related to his involvement in the seized contraband of 21.492 Kgs Ganja. Further, the petitioner is in jail from 28.08.2024. Considering the same, this Court deems it to grant bail to the petitioner subject to the following conditions:

- i. The petitioner shall execute a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties for a like sum each to the satisfaction of the learned XVI Additional Chief Judicial Magistrate, Hyderabad.

- ii. The petitioner shall appear before the concerned SHO at 11:00 a.m., on every Monday for a period of eight (8) weeks, for the purpose of investigation, and thereafter, as and when required.
 - iii. The petitioner shall abide by the conditions stipulated in Section 437(3) of Cr.P.C.
7. Accordingly, the Criminal petition is allowed.

Miscellaneous applications, if any pending, shall stand closed.

K. SUJANA, J

Date: 11.02.2025
SAI

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